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Rosen, Weiss, Slatt v. Burstein, P.A.

Date 9-10-85

1 9/16

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION CAMDEN COUNTY
DOCKET NO. L-088714-83

MARIE J. REACH, Individually and
as Administratrix Ad Prosequendum
and Executrix of the Estate of
WALTER R. REACH,

Plaintiff,

v.

Deposition of:
GABRIEL COSTINO

THE AMERICAN TOBACCO CO.; THE
AMERICAN TOBACCO CO., A Division
of AMERICAN BRANDS, INC.;
AMERICAN BRANDS, INC.; PHILLIP
MORRIS, U.S.A.; LIGGETT GROUP,
INC.; BROWN AND WILLIAMSON
TOBACCO CORPORATION; and
JOHN DOE (1-10),

Defendants.

TRANSCRIPT of testimony as taken
by and before DENISE CORNELIUS, a Certified
Shorthand Reporter and Notary Public of the
State of New Jersey, at the offices of Budd,
Larner, Kent, Gross, Picillo and Rosenbaum, P.C.,
Sentry Office Plaza, 216 Haddon Avenue, Suite 501,
Westmont, on Wednesday, August 21, 1985,
commencing at 9:45 o'clock in the forenoon.

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I N D E X

WITNESS

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GABRIEL COSTINO

By Mr. Drozdowski

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By Mr. Weiner

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Costino

1 GABRIEL COSTINO, having been
2 first duly sworn, was examined and testified as
3 follows:

4 EXAMINATION

5 BY MR. DROZDOWSKI:

6 Q. Could you state your full name,
7 please?

8 A. Gabriel Edward Costino.

9 Q. Mr. Costino, we have been introduced
10 but for the record my name is Ray Drozdowski and I
11 am with the law firm of Brown, Connery, Kulp,
12 Wille, Purnell and Greene and we have offices in
13 Camden and Haddonfield and I represent Phillip
14 Morris in this suit brought by Marie Reach against
15 a number of cigarette companies. You were
16 initially subpoenaed for a deposition, is that
17 correct? You got a subpoena to appear at some
18 time?

19 A. Yeah.

20 Q. As a subpoenaed witness, you should
21 know that your out-of-pocket expenses and any loss
22 of wages will be paid so if you are losing time
23 from work today, losing income, would you please
24 tell me and tell me how much and we will take care
25 of that, okay?

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Costino

1 A. Um-hum.

2 MR. WEINER: Can you give him a
3 business card?

4 MR. DROZDOWSKI: I wish I could. I
5 gave my last one out. Here you are. That's my
6 firm and that's my name.

7 BY MR. DROZDOWSKI:

8 Q. I'm going to ask you some questions
9 today. I'm not here to trick you or confuse you.
10 If you don't hear a question, just ask me to
11 repeat the question so you'll hear it completely,
12 okay?

13 A. Um-hum.

14 Q. If you don't understand the question,
15 I'll phrase it and hope that you will understand
16 it, all right?

17 A. Um-hum.

18 Q. When I get an answer from you, I'll
19 assume that you understood it and you've answered
20 to the best of your knowledge truthfully. If you
21 want to take a break, if you feel tired, you just
22 tell us, we'll take a break, okay?

23 A. All right.

24 Q. Have you had your deposition taken
25 before?

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Costino

1 A. I had two gentlemen stop at my house one
2 time.

3 Q. No. I'm talking about something like
4 this proceeding?

5 A. No.

6 Q. As you can see, the stenographer is
7 taking down what you are saying and a transcript
8 will be made of it.

9 A. Okay.

10 Q. Mr. Costino, what name do you
11 normally use?

12 A. Ed.

13 Q. And you're married?

14 A. Yes.

15 Q. What is your wife's name?

16 A. Anna.

17 Q. Where do you live?

18 A. [DELETED] .

19 Q. Where?

20 A. New Jersey.

21 Q. What is the address?

22 A. [DELETED]

23 Q. And how far is that from where the
24 Reach's lived? They lived on [DELETED] and
25 [DELETED] . How far is that?

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Costino

- 1 A. Maybe a half a mile.
- 2 Q. How long have you lived there?
- 3 A. Since 1968, '69.
- 4 Q. And before that, where did you live?
- 5 A. Camden.
- 6 Q. Where?
- 7 A. Parkside.
- 8 Q. Where?
- 9 A. [DELETED]
- 10 Q. What address?
- 11 A. [DELETED]
- 12 Q. How long did you live there?
- 13 A. Forty-five years, I guess.
- 14 Q. Is that your family home?
- 15 A. Yeah. Born and raised there.
- 16 Q. What is your date of birth?
- 17 A. [DELETED]
- 18 Q. And were you born in Camden?
- 19 A. Yes.
- 20 Q. And did you go to school in Camden?
- 21 A. Yes.
- 22 Q. What schools?
- 23 A. I went to Sacred Heart, Patch Junior, Camden
- 24 High and Camden County Vocational School.
- 25 Q. Did you graduate from Camden High?

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Costino

1 A. No.

2 Q. When did you leave Camden High?

3 A. I left Camden High in the tenth grade and
4 went to the vocational school. I graduated from
5 the vocational school.

6 (At this time, Mr. Nachman enters the
7 deposition.)

8 Q. Now, you're the brother of Marie
9 Reach?

10 A. Right.

11 Q. Can you tell me what did the Costino
12 family consist of, your brothers and sisters, your
13 father and mother?

14 A. Five brothers, three sisters, mother and
15 father.

16 Q. Mother and father's name?

17 A. Father's name was Lawrence John. Mother's
18 name was Marie Antoinette.

19 Q. Is Lawrence John alive?

20 A. My father?

21 Q. Yes.

22 A. No.

23 Q. Your mother?

24 A. No.

25 Q. When did they die?

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Costino

1 A. My father died in 1939. My mother died in
2 1968.

3 Q. What did your father die of?

4 A. Uremic poisoning.

5 Q. And your mother?

6 A. Heart failure.

7 Q. Did your mother know Walter Reach?

8 A. Yes.

9 Q. I assume that your father didn't?

10 A. No.

11 Q. Was your mother a smoker?

12 A. No.

13 Q. How about your father?

14 A. He smoked.

15 Q. What was your mother's attitude about
16 smoking?

17 A. She said it will stunt your growth and be
18 short of breath and that's about it. That's all
19 we knew about cigarettes when we were growing up.
20 Don't smoke. You won't grow and you won't be able
21 to breathe. She didn't like it. She didn't like
22 the idea of us smoking.

23 Q. Did she ever talk about any other
24 health consequences other than that?

25 A. No.

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Costino

1 Q. How about your father's attitude
2 towards smoking?

3 A. I didn't know my father too well. I was 12
4 when he died. I knew he smoked cigarettes, Lucky
5 Strikes if that means anything.

6 Q. Now, with your brothers and sisters,
7 again, can you list them one by one?

8 A. The oldest to the youngest. Larry is the
9 older.

10 Q. And is he still alive?

11 A. Yes.

12 Q. And where does he live?

13 A. Collingswood.

14 Q. Do you know his address?

15 A. [DELETED] . That's all I can tell you.

16 Q. The next one?

17 A. John.

18 Q. Is he still alive?

19 A. Yes.

20 Q. And where does he live?

21 A. He lives in [DELETED]

22 Q. And another brother?

23 A. Joe.

24 Q. Is he still alive?

25 A. Yeah. He lives in [DELETED]

in

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Costino

1 Clementon. I guess it's called Clementon.

2 Q. The next family member?

3 A. Then there is Vince.

4 Q. And is he still alive?

5 A. He lives in Mount Ephraim, [DELETED]

6 Q. Any number?

7 A. [DELETED] . Do you want John's
8 address, too?

9 Q. Yeah.

10 A. [DELETED] . Joe is
11 [DELETED]

12 Q. Is that the brothers?

13 A. Yeah.

14 Q. Sisters. You have Marie and who else?

15 A. Marie and Teresa Anne.

16 Q. And where is Teresa?

17 A. Teresa just moved to Indiana. I don't know
18 her address. Just moved a few weeks ago.

19 Q. And what is her last name?

20 A. Renwald.

21 Q. Is she married?

22 A. Um-hum. Well, her husband just passed away
23 a couple years ago so she's a widow. Then there
24 is Bernice, but she's dead.

25 Q. When did she die?

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Costino

1 A. She died 1950 something. In the '50s.

2 Q. What did she die from, do you know?

3 A. Well, she had TB and she was in Lakeland for
4 several years. She only had one lung.

5 Q. Lakeland being a hospital for
6 recuperation?

7 A. Yes, a hospital for TB. My brother found
8 her dead in the apartment, suffocation, I guess.
9 She had a tough time breathing.

10 Q. Is this your first marriage, your one
11 and only marriage?

12 A. Um-hum.

13 Q. Is that so for your wife, too?

14 A. She had an annulment.

15 Q. Did her first husband know Walter
16 Reach?

17 A. My wife's first husband?

18 Q. Yes.

19 A. No.

20 Q. Of your brothers and sisters, did
21 they all know Walter Reach?

22 A. Yeah.

23 Q. And your mother knew Walter, too?

24 A. Um-hum.

25 Q. Now, where are you presently employed?

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Costino

1 A. Audubon Board of Education.

2 Q. And what do you do there?

3 A. Maintenance department.

4 Q. How long have you been working there?

5 A. Going on 14 years.

6 Q. Is your wife employed outside the
7 house?

8 A. She works for the food company that services
9 the school.

10 Q. And I may have asked you this, what
11 is her name again?

12 A. Ann.

13 Q. Do you have children?

14 A. One.

15 Q. And your child's name?

16 A. Kimberly Anne.

17 Q. And how old is Kimberly Anne?

18 A. Fourteen.

19 Q. She lives at home with you?

20 A. Yeah.

21 Q. Did Kimberly know Walter Reach?

22 A. Yeah.

23 Q. What is your first recollection of
24 meeting Walter Reach? When was that? What
25 circumstances?

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Costino

1 A. I used to be -- I used to work in a gas
2 station, okay, when I was younger and his place of
3 business was across the street from the gas
4 station, so he used to use our gas station as a
5 service station and repair. And my sister was his
6 secretary so naturally when he came over and we
7 started talking, I said, oh, my sister works for
8 you and he introduced himself and then my sister
9 started dating him and then that's when I first
10 met him.

11 Q. When would that have been, the year?
12 Before the war, Second World War?

13 A. No. It was during the war.

14 Q. Can you give me an approximate year,
15 '42, '43, '44, '41?

16 A. Maybe '42, '43. The war had already started.

17 Q. Now, what was the name of his company?

18 A. Cortland Manufacturing Company.

19 Q. Where was that located?

20 A. He first started on Haddon Avenue in Camden.

21 Q. Whereabouts on Haddon Avenue?

22 A. About 1600 block.

23 Q. Where was your gas station?

24 A. Caddy-corner.

25 Q. Now, you know the intersection of

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Costino

1 Haddon and Euclid?

2 A. Yeah.

3 Q. Do you know where the convent is on
4 the corner?

5 A. Yeah.

6 Q. How far away is it from that
7 intersection?

8 A. Half a block.

9 Q. Do you know where Haddon and
10 Lansdowne is?

11 A. Yeah.

12 Q. There used to be Chapman's Bar there,
13 Al Chapman's on the corner?

14 A. Yes.

15 Q. And there are a couple of gas
16 stations?

17 A. Yeah, that's where I worked, right in that
18 area.

19 Q. There used to be a place called Kruz
20 and Slattery?

21 A. That's right. Right next door.

22 Q. His place was next door to Kruz and
23 Slattery?

24 A. Yeah.

25 Q. Do you remember the name of the gas

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Costino

1 station that employed you?

2 A. It was a Tydol.

3 Q. T-i-d-a-l?

4 A. No. T-y-d-o-l. It used to be Tydol in
5 those days. Remember the flying horse? Somebody
6 must have bought them out. He's pretty old. Do
7 you remember the flying horse?

8 Q. Yes.

9 A. He's pretty old, too.

10 Q. Do you know how long Walter operated
11 out of that building next to Kruz and Slattery,
12 operated Cortland Toy there?

13 A. Maybe -- only maybe now, I'd say about
14 five years and then he moved to another location.

15 Q. And where did he move then?

16 A. He moved to Jefferson Street in Camden.

17 Q. That's below Broadway?

18 A. That's down near where the shipyard used to
19 be, right.

20 Q. Now, after you met Walter and you
21 found out that he was dating your sister, did you
22 become friends with him?

23 A. Um-hum, yes.

24 Q. And after that, I assume you saw him
25 on a fairly regular basis?

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Costino

1 A. Yes.

2 Q. And how long did he and your wife
3 date before they got married? I'm sorry, not your
4 wife, your sister?

5 A. I couldn't tell you. Better not be my wife.
6 I don't know. I'd say two years, but I'm only
7 grabbing straws. I really don't know exactly how
8 long.

9 Q. Your sister worked in that building
10 next door to Kruz and Slattery?

11 A. Right.

12 Q. And she was a secretary?

13 A. Yes.

14 Q. And would he come over your house at
15 1421 Kenwood Avenue during that period of time?

16 A. Yes.

17 Q. Daily, on a regular basis during that
18 period of time?

19 A. Yes.

20 Q. And later on when they got married
21 they moved to another place, is that right?

22 A. Yes.

23 Q. They left 1421?

24 A. She didn't live with us after they got
25 married.

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Costino

1 Q. Where did they move to?

2 A. I think they moved to Audubon. Walnut
3 Avenue.

4 Q. Do you ever remember them living on
5 River Road?

6 A. You got it. That's right. They went to
7 River Road first.

8 Q. Did you ever visit them there?

9 A. Yes.

10 Q. When did you get married?

11 A. 1971.

12 Q. Now, from talking to Walter or from
13 any other source, do you know when Walter was born
14 and where he was born?

15 A. I know he lived in North Jersey, in Hoboken.
16 Where he was born, I do not know. He's originally
17 from North Jersey and then he moved down to South
18 Jersey.

19 Q. We understand he was 77 years old
20 when he died. Does that sound right?

21 A. Yes.

22 Q. And did you know Walter's parents?

23 A. Yes.

24 Q. Do you know their names?

25 A. Her name was Helena and we used to call his

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Costino

1 father Pop.

2 Q. Was he known as Irwin?

3 A. That's it. Right.

4 Q. And the nickname for Helena was Helen?

5 A. Right.

6 Q. Do you know if either of them was
7 cigarette smokers?

8 A. I don't think she smoked. She didn't smoke
9 and I don't think he smoked either, but I'm not
10 sure about him. I know she didn't.

11 Q. Do you know or did you ever talk to
12 them about smoking?

13 A. No.

14 Q. Do you know what their attitude or
15 feeling about smoking was?

16 A. No.

17 Q. I understand that Walter was married
18 once before marrying your sister, is that correct?

19 A. Yes.

20 Q. Did you ever meet his wife?

21 A. Yes.

22 Q. And give me the circumstances of that?

23 A. I couldn't tell you the circumstances, but I
24 only met her about maybe twice.

25 Q. Do you know whether she was a

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Costino

1 cigarette smoker?

2 A. I don't know.

3 Q. Do you know if Walter had any
4 children of this first marriage?

5 A. He didn't have any children.

6 Q. And he had two children as a result
7 of his marriage with Marie, is that right?

8 A. Yes.

9 Q. Susan and Gary?

10 A. Yes.

11 Q. Do you keep in contact with Susan and
12 contact?

13 A. Well, Gary still lives with Marie, and Susan,
14 on holidays I'll see Susan.

15 Q. Do you know what Susan does for a
16 living?

17 A. She's an attorney.

18 Q. Do you know what Gary does for a
19 living?

20 A. I think he works for Courier-Post.

21 Q. Do you know if either of them were
22 cigarette smokers?

23 A. No, they don't smoke.

24 Q. Do you know what their attitude is
25 about smoking?

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Costino

1 A. Yeah, they don't like it.

2 Q. Did they ever tell you why they don't
3 like it?

4 A. Bad for your health.

5 Q. Did they tell you specifically how it
6 was bad for your health?

7 A. Could cause cancer, short of breath, heart.

8 Q. Did they tell their father about that?

9 A. Yes.

10 Q. Do you have a recollection of them
11 telling Walter that --

12 A. Lots of times the kids would say Dad, what
13 do you smoke for and I wish you would stop and he
14 used to say I can't stop.

15 Q. Did they tell him that it could cause
16 cancer?

17 A. You mean did they specifically say Dad, you
18 better stop; you're going to get cancer?

19 Q. Yes.

20 A. No, I don't know that.

21 Q. But they told him it was bad for his
22 health?

23 A. Yes.

24 Q. And you don't remember any specific
25 health problem that they mentioned?

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Costino

1 A. No.

2 Q. I gather that they would bring that
3 up with their father quite often?

4 A. I assume, but I don't know.

5 Q. And his reply to that was what?

6 A. He says, I can't give them up. He says, I
7 tried. It's hard, but I can't give them up. And
8 the kids would say I wish you would.

9 Q. The Cortland Toy Manufacturing
10 Company you say was on Haddon Avenue, 1600 block.
11 And how long was it there before it moved to
12 Jefferson Street, do you know?

13 A. I'm assuming -- I really don't know. I
14 would say about five years. I really don't know.

15 Q. Did you go into the Cortland Toy
16 Company on Haddon Avenue?

17 A. As an employee?

18 Q. Any time?

19 A. Yes, I stopped in there several times.

20 Q. Did you see the operation and how it
21 worked?

22 A. Yes.

23 Q. Walter was in charge of the place and
24 ran it by himself? I mean he was supervising?

25 A. He was the owner and he had his foreman and

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Costino

1 he had his workers.

2 Q. Was he the type of guy who was in
3 charge of everything there?

4 A. Yes.

5 Q. He controlled the operation?

6 A. Yes.

7 Q. Was he a demanding type of employer?

8 A. If he paid you a dollar an hour, he wanted a
9 dollar's worth of work.

10 Q. And he'd make sure he did?

11 A. Yes.

12 MR. WEINER: Are you testifying,
13 counsel or are you asking questions?

14 MR. DROZDOWSKI: I am asking
15 questions.

16 MR. WEINER: I'm sorry. The way you
17 phrased it, it sounded like you were testifying.

18 BY MR. DROZDOWSKI:

19 Q. Do you understand my question?

20 A. In other words, was he a hard man to work
21 with?

22 Q. No. He was a person who was in
23 control and in charge of his operation, was he not?

24 A. Yes.

25 Q. And he demanded the best out of his

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Costino

1 employees?

2 A. Yes.

3 Q. And he would do his best to make sure
4 he got the best out of his employees?

5 A. Yes.

6 Q. When he moved to Jefferson Street,
7 did you visit that place?

8 A. A few times, yes.

9 Q. Was there any difference in the
10 operation? Was it smaller, larger, about the
11 same?

12 A. It was a little bigger when he moved to
13 Jefferson Street. That's why he moved to
14 Jefferson Street. I think his business increased
15 and he needed a larger area.

16 Q. What was he making on Jefferson
17 Street?

18 A. Toys.

19 Q. And what happened to that business?

20 A. I think eventually -- I think he went
21 bankrupt after Japan started shipping toys in; the
22 competition was too great so he got out of it.

23 Q. Do you know when he got out of it?

24 A. I couldn't tell you when he got out of it.

25 Q. Do you know the next business he was

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Costino

1 in?

2 A. I think he went into the pretzel business
3 after the toy business.

4 Q. Do you know when he started the
5 pretzel business?

6 A. I couldn't tell you because I don't know
7 when he went out of the toy business.

8 Q. Was that the '50s, the '40s, the '60s?

9 A. I'd say early '60s.

10 Q. Do you know where he established the
11 business, what part of town or what area?

12 A. I think it was Pennsauken.

13 Q. Was this J and J Pretzels?

14 A. That's right, yes.

15 Q. Did he have a place down on Kaighn
16 Avenue at one time with J and J?

17 A. Yes. I think he started on Kaighn Avenue
18 and then from Kaighn Avenue went to Pennsauken.

19 Q. Do you know how long the operation
20 was down on Kaighn Avenue?

21 A. No.

22 Q. Did you ever visit the place down on
23 Kaighn Avenue?

24 A. Yes.

25 Q. Was that close to Second Street?

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Costino

1 A. Yes.

2 Q. What kind of an establishment was
3 that?

4 A. What do you mean by establishment?

5 Q. Well, was it a store front?

6 A. Store front, yes, store front and upstairs.
7 It was like a little warehouse.

8 Q. And what did they do or what type of
9 machinery was there from what you observed? What
10 did you see there?

11 A. Machinery? Well, the pretzels were made by
12 hand, okay. And I think he had a packing machine
13 to pack them in the boxes and also a sealing
14 machine to seal the boxes. I don't know exactly
15 what kind of machinery he had at that particular
16 time.

17 Q. Then he went to Pennsauken?

18 A. Yes.

19 Q. Do you know where in Pennsauken?

20 A. I think River Road.

21 Q. River? Would that be around Bethel
22 Avenue? Do you know that area? Does that ring a
23 bell?

24 A. Bethel isn't -- no.

25 Q. Did you ever go out there and see his

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Costino

1 place out there?

2 A. Yes.

3 Q. And that would be in sort of an
4 industrial park area?

5 A. Yes.

6 Q. Do you know how long he was in the
7 pretzel business before he went out of that?

8 A. I'm only speculating. Fifteen years, ten
9 years. I really don't know.

10 Q. Do you know what other business he
11 was in after that?

12 A. After the pretzel business? He retired from
13 the pretzel business and then he went into -- he
14 had a little business down in the cellar making
15 pens for the Bicentennial.

16 Q. Do you know -- we've been told he
17 was in the waterbed business for a while.

18 A. Oh, yeah. I don't know how long he was in
19 that.

20 Q. Did you ever see that place of
21 operation?

22 A. No.

23 Q. I understand it was over in
24 Philadelphia. Does that sound right?

25 A. Yes.

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Costino

1 Q. Do you know of any other businesses
2 before the Bicentennial came along that he was in?

3 A. You mean since I've known him? He was in
4 business before I knew him, in different
5 businesses. That's the only business I know of,
6 the toy, the pretzel -- I think he had a pet shop
7 at one time.

8 Q. Would that be somewhere up in Delran?

9 A. Yes. That's where it was.

10 Q. Did you ever visit him there?

11 A. I went to the pet shop once just to see the
12 business, that's all.

13 Q. Could you tell me what Walter told
14 you or what you learned about all the businesses
15 and all the jobs he had before Cortland Toy?

16 A. Repeat that again.

17 Q. Could you tell us what other
18 businesses, what other jobs he had before Cortland
19 Toy?

20 A. Yeah, sure. He was a sign painter. He had
21 a painting business, painted signs.

22 Q. Did he tell you where he worked when
23 he was a sign painter?

24 A. I don't think Walt ever worked for anybody.
25 I think he had one job in a pencil factory.

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Costino

1 Q. What did he tell you about that?

2 A. The pencil factory?

3 Q. Yes.

4 A. He asked the guy how high he can go in the
5 business and the guy said you're as high as you
6 can go and so he quit. I don't know how long he
7 worked there. Then he went into the sign painting
8 business.

9 Q. Self-employed?

10 A. Yeah. That was the only job I ever knew he
11 had was the pencil factory and all the others were
12 self-employed.

13 Q. Did he ever tell you or did you learn
14 where he painted signs, what parts of the country,
15 where it would take him?

16 A. No, no, I couldn't tell you anything on that.

17 Q. Did he ever tell you what type of
18 materials he would use, what kind of paint?

19 A. No, just he was a sign painter. He used to
20 paint signs on windows, airplanes, like men's room,
21 exits.

22 Q. Did he do gold leaf?

23 A. I think so, but I'm not sure.

24 Q. How about any other positions that he
25 held besides sign painting, anything else?

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Costino

1 A. He used to sell corn up on the highway.

2 Q. Where was this, up in North Jersey?

3 A. I think so. He was a hustler. Hustler, not
4 huckster.

5 Q. Did he ever work with neon signs?

6 A. I don't know if he ever worked with them,
7 but I knew he knew something about neon signs.

8 Q. How did you know that?

9 A. Because I was in business for myself at one
10 time and I wanted a new neon sign for my store and
11 he designed the sign for me and told me who to see.
12 That's the only thing I know about the neon. But
13 I think he was strictly a painter.

14 Q. Was he in the service at any time
15 that you know of, the Armed Forces?

16 A. No.

17 Q. Do you know why he wasn't in? Was it
18 the age factor?

19 A. I think he was too old. I really don't know,
20 but I think he was too old.

21 Q. Now, when you would see him at
22 Cortland Toy and they're making toys, what kind of
23 toys? Wooden toys? Plastic toys?

24 A. He started out with cardboard toys because
25 you couldn't get metal. Then from cardboard he

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Costino

1 went to wood and then from wood to metal.

2 Q. On Haddon was this a one floor, two
3 floor or three floor operation, do you remember?

4 A. Two stories.

5 Q. Did they have machinery or was this
6 just made without machinery?

7 A. No, he had machinery.

8 Q. Did he have an office?

9 A. Yes.

10 Q. In his office he had a desk, I assume?

11 A. Yes.

12 Q. Did he smoke in his office?

13 A. Yes.

14 Q. When you would see him at work, were
15 other people permitted to smoke in the place, if
16 you know?

17 A. Yes. I think I smoked when I went in there.

18 Q. Was there any type of dust or fumes
19 in this place where he worked, did you notice, at
20 Cortland?

21 A. There were fumes -- well, fumes? I don't
22 know. I couldn't tell you. I assume that -- I'm
23 only assuming.

24 MR. WEINER: You're not asking the
25 witness to assume.

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Costino

1 MR. DROZDOWSKI: I'm just asking for
2 his best recollection.

3 BY MR. DROZDOWSKI:

4 Q. Just tell me what you know?

5 A. Well, if you're gluing something, you're
6 going to smell glue.

7 Q. They used glue. Is that what you're
8 saying?

9 A. I guess they did, yeah.

10 Q. You have a recollection of smelling
11 glue when you went into the place?

12 A. No, I don't.

13 Q. How about down on Jefferson Street?

14 A. I don't know too much about Jefferson Street.
15 I had only been there a few times. I really don't
16 know anything about Jefferson Street.

17 Q. How about when you would go into the
18 J and J place either down on Kaighn Avenue or on
19 River Avenue? Did they use flour products to make
20 the --

21 A. Oh, yes.

22 Q. Was there flour in the air?

23 A. I think he had a blower to get it, you know,
24 a ventilator to get it out.

25 Q. Do you remember when you were there

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Costino

1 any dust or flour that would accumulate?

2 A. No. I can't say yes to that.

3 Q. Now, Walter was making stuff for the
4 Bicentennial?

5 A. Yes.

6 Q. So it would be around 1976?

7 A. Yes.

8 Q. And where was he doing that?

9 A. Down the cellar.

10 Q. He was retired from his other
11 businesses at that time?

12 A. Yes.

13 Q. Did you get a chance to look at his
14 operation in the cellar?

15 A. Yes.

16 Q. Can you tell me what kind of
17 machinery or what kind of things were there to
18 make his products?

19 A. A few machines, but I don't know exactly
20 what they were.

21 Q. Did they work with plastic bags?

22 A. Yes.

23 Q. Did they use a machine that sealed
24 those plastic bags?

25 A. I don't know.

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Costino

1 Q. Do you know in the places where he
2 worked, Haddon Avenue, Jefferson and on Kaighn
3 Avenue or Pennsauken, how all these places were
4 heated, oil, gas?

5 A. No, I couldn't tell you.

6 Q. Were there other factories nearby
7 these places?

8 A. When he was in Camden on Haddon Avenue, the
9 only factory there was there was Kruz and Slattery,
10 right, and there used to be a company by the name
11 of Sturdi-van. I think they did duct work.

12 Q. Were these places with smokestacks?

13 A. I don't think Kruz and Slattery had a
14 smokestack.

15 Q. How about Sturdi-van?

16 A. Yes.

17 Q. Do you recall smoke coming out of a
18 smokestack?

19 A. I guess it did. I don't know.

20 MR. WEINER: You're asking the
21 witness for guesses now or recollection?

22 BY MR. DROZDOWSKI:

23 Q. Your recollection. Did smoke come
24 out of the stack? Do you remember heavy smoke
25 coming out of the stack?

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Costino

1 A. Not heavy.

2 Q. How about the place down on Jefferson
3 Street. That was close to the shipyard?

4 A. Yes.

5 Q. About how far away?

6 A. Maybe a half a mile. I'm not too familiar
7 with that area.

8 Q. New York Shipyard was quite busy back
9 then during the war, right?

10 A. Oh, yes.

11 Q. Working full time getting out those
12 vessels?

13 A. Oh, yeah.

14 Q. Do you recall whether that was a
15 place with smokestacks?

16 A. That area had all kinds of smokestacks.

17 Q. Are you --

18 A. Are you familiar with that area?

19 Q. Yes, but I'm asking you. That was a
20 heavy smokestack area?

21 A. Oh, yeah. You better believe it. Camden
22 was.

23 Q. Do you recall any of the places where
24 he worked whether there was asbestos or asbestos
25 material?

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Costino

1 A. I couldn't tell you.

2 Q. Do you remember whether there were
3 any places around there where there were petroleum
4 plants or anything like that?

5 A. Not that I know of.

6 Q. Do you remember seeing any ovens in
7 any places where he worked?

8 A. I think they had ovens when he was in the
9 pretzel business. You're talking about any
10 business that he was in, not just the toy business?

11 Q. No, any business.

12 A. I'm pretty sure he had ovens.

13 Q. Do you have a recollection of these
14 ovens, the size of these ovens and how they were
15 directed?

16 A. No. He invented an oven for the pretzel, J
17 and J Pretzel, to heat frozen pretzels. So he
18 froze the pretzels and then he delivered them to
19 the customers and there was an oven involved. He
20 sold the package deal. You bought the pretzels
21 from him, he'd supply the ovens. But he used to
22 heat the frozen pretzels.

23 Q. The oven was supplied to the person
24 who purchased the pretzels from him?

25 A. That's right.

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Costino

1 Q. Was it a small oven, portable oven?

2 A. Did you ever go down the shore and see these
3 pretzels hanging in the ovens? That was his
4 original oven.

5 Q. Did you ever work with him?

6 A. No.

7 Q. Did you ever invest with him?

8 A. I loaned him money, if that's what you mean.

9 Q. When was that?

10 A. What year?

11 Q. Yes.

12 A. When he went into the pretzel business, I
13 loaned him money.

14 Q. This would be in the '60s? What did
15 you loan him?

16 A. I forget. A few thousand dollars, but I
17 don't know the exact amount.

18 Q. When you would see him at these work
19 places owner when he was at home at the
20 Bicentennial, you would see him smoking there, is
21 that correct?

22 A. Yes.

23 Q. And did he smoke in any special place
24 in the work place or did he smoke everywhere?

25 A. I don't know. I didn't know if -- I don't

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Costino

1 know if he could smoke on the floor. I know you
2 could smoke in his office, but out in the factory,
3 I don't think he allowed smoking in the factory.

4 Q. Do you ever remember him smoking in
5 the factory?

6 A. No.

7 Q. From your observations at the work
8 places other than in the basement of his house,
9 did he smoke more at certain times of the day,
10 less? Was there a certain period of time he
11 smoked more when you would see him at the work
12 place?

13 A. Usually when he was trying to design
14 something or -- I'd say when he was trying to
15 design something, you know, when you're at a desk
16 and you're designing something, you pick up a
17 cigarette, light it and put it down. That's when
18 he would smoke the most, I would say.

19 Q. Did he tell you whether the work he
20 was doing at these different plants was stressful
21 to him?

22 A. Did he tell me, personally told me?

23 Q. Yes. Did he consider it stressful
24 work?

25 A. Oh, yes, yes.

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Costino

1 Q. Did he seem to smoke more on the job
2 under stress than he did when there was no stress
3 at the job?

4 A. Come again on that.

5 Q. Would you repeat the question.

6 (Requested portion of the record is
7 read back.)

8 A. Yes.

9 Q. On the job when you would see him
10 smoking, did he inhale?

11 A. Yes.

12 Q. Did he inhale deeply?

13 A. Yes.

14 Q. Did he smoke the cigarettes down to
15 the butt?

16 A. He would light a cigarette, okay, take a few
17 puffs, put it down and then maybe a couple seconds
18 later or maybe a minute later he would pick it up
19 again and naturally it would burn down. I think
20 he wasted more than he smoked, I guess, you know.

21 Q. From your observation on a job, did
22 he seem to smoke one after another?

23 A. Yes. Maybe five minute interval. He
24 wouldn't just take another one, light it, you know,
25 not like that.

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Costino

1 too?

2 A. She was his secretary, yes.

3 Q. Any other relatives who worked for or
4 with him?

5 A. Sister-in-law.

6 Q. Who is that?

7 A. Janet. She was an employee but -- wait a
8 minute. Hold it. My brother met her at the
9 factory and married her. I don't know how you
10 would classify that.

11 Q. What is her name, Janet what?

12 A. Costino. But she wasn't a Costino when she
13 worked at the factory.

14 Q. What is her husband's name?

15 A. Vince.

16 Q. Is Janet still alive?

17 A. Yes. But she wasn't his wife when she
18 worked there, okay.

19 Q. Did Vince and Janet work at the
20 Jefferson Street place?

21 A. No.

22 Q. Do you know of any people besides
23 your relatives who worked for him at these
24 different places?

25 A. Yeah, but they're dead.

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Costino

1 Q. Well, tell me who you remember?

2 A. Marie Carlson.

3 Q. She's dead?

4 A. Yeah.

5 Q. Who else?

6 A. Joe Kirk. He's dead.

7 Q. Did he have any children that knew
8 Walter?

9 A. Joe Kirk?

10 Q. Yes.

11 A. Yeah, he had a couple kids that I think knew
12 Walt.

13 Q. Are they alive?

14 A. Yes.

15 Q. Do you know their names and where
16 they're located?

17 A. They were only small when they knew Walt.

18 Q. Are they still in this area?

19 A. I think Joe, Jr. is.

20 Q. Is he in any type of business?

21 A. I think he's in real estate or insurance.

22 Q. Where?

23 A. He used to be in Oaklyn. I don't know where
24 he is now. If he's around, I don't know. There
25 is a Greg that worked for Walt.

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Costino

1 Q. Gregory Costino?

2 A. Yeah. He worked down the cellar in the
3 Bicentennial thing.

4 Q. Do you know of anybody else besides
5 the people you've mentioned who worked for Walter
6 at any time?

7 A. There is a Walter Cerone who used to work
8 for him.

9 Q. Would you spell that name?

10 A. C-e-r-o-n-e.

11 Q. Is he still alive?

12 A. Yes.

13 Q. Do you know where he lives?

14 A. Collingswood.

15 Q. Do you know where in Collingswood?

16 A. Grant Avenue. The number -- I don't know
17 the number. I just know the house. It's West
18 Collingswood.

19 Q. And where did he work for Walter?

20 A. Haddon Avenue.

21 Q. And what did he do there?

22 A. He was an assembler.

23 Q. I understand that Walter at some
24 point in time went bankrupt?

25 A. I think he did when he was -- with the toy

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Costino

1 business.

2 Q. Excuse me?

3 A. With his toy business.

4 Q. Do you remember him during that
5 period of time that he was in bankruptcy?

6 A. Yes.

7 Q. How would you characterize his
8 emotional state during that period of time?

9 A. Well, he was upset and he wanted to start
10 another business which he did and that's when I
11 loaned him some money.

12 Q. Did this upset affect him in any way
13 that you saw?

14 A. No.

15 Q. Did he seem to be smoking any more or
16 less during that period of time?

17 A. I couldn't say.

18 Q. Do you know if there were any plants
19 with smokestacks in that River Road area where J
20 and J was located?

21 A. No, I don't know of any.

22 Q. How about where they lived on River
23 Road?

24 A. No.

25 Q. Did they live in a home or apartment

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Costino

1 on River Road?

2 A. It was an apartment.

3 Q. Now, when they lived on Walnut Street,
4 do you know what type of house they lived in?

5 A. I think it's like a rancher.

6 Q. Did Walter maintain the house himself
7 or do work in the house or is he the type who had
8 somebody else do it?

9 A. In the house or outside?

10 Q. In the house.

11 A. If he wanted carpenter work done?

12 Q. Yes.

13 A. No. He'd have somebody do it for him.

14 Q. How about outside the house?

15 A. He used to take care of the grass, the lawn,
16 you know, things like that, cut the grass.

17 Q. Did he do things like put fertilizer
18 on it?

19 A. No, I don't think so.

20 Q. Keep the bugs off with insecticide?

21 A. Not that I know of. He was like me. When
22 the grass needed cutting, he'd cut it. Just let
23 nature take care of it.

24 Q. You're not going to be in Better
25 Homes and Gardens?

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Costino

1 A. No way.

2 Q. How about Washington Terrace? Did he
3 take care of the house?

4 A. No, he was the same way.

5 Q. Same thing with the lawn?

6 A. Yes. After a while he had somebody cut the
7 lawn, I think.

8 Q. What type of area is that Audubon
9 area? Is that a residential area?

10 A. Yes.

11 Q. Are there any plants nearby,
12 factories?

13 A. No.

14 Q. Smokestacks?

15 A. No.

16 Q. Anybody ever complain about the air
17 out there?

18 A. The air?

19 Q. Yes.

20 A. Yes, we had problems down there by near
21 Corvettes down there. Are you familiar with the
22 area?

23 Q. No.

24 A. I think Haddon Heights and Audubon is
25 fighting the stench that comes from that lake. I

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Costino

1 think sewage is dumping into it or something.

2 Q. How long has that been going on?

3 A. Five, ten years. Ever since I've been there.

4 Q. How long has that been?

5 A. Since '69.

6 Q. You've got a stench?

7 A. Yes, once in a while. The towns have been
8 fighting the other towns. One is blaming the
9 other. Same old story.

10 Q. How about particles in the air,
11 windowsills, dust?

12 A. No.

13 Q. Air is pretty clean?

14 A. Yes.

15 Q. How about the water? Does the water
16 taste bad in Audubon?

17 A. No, good water.

18 Q. Do you know if Walt ever installed
19 any installation in his house?

20 A. Not that I know of, no.

21 Q. Do you know how far Walter went to
22 school?

23 A. I think he went to the eighth grade.

24 Q. Do you know where that was?

25 A. No.

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Costino

1 Q. Did you ever go to North Jersey with
2 Walter?

3 A. No.

4 Q. Or take a trip and see where he lived?

5 A. No. He described the area to me. His
6 backyard and Frank Sinatra's backyard were
7 together. That's all I know.

8 Q. The chairman of the board?

9 A. Yeah.

10 Q. Did he know Frank?

11 A. Oh, yeah, very well. He said he was a punk.
12 A punk making 60 million dollars a year. He's a
13 punk.

14 Q. Do you know what Walter did for
15 recreation before you met him? During that period
16 of time, did he ever tell you or anybody else tell
17 you what his recreational activities were?

18 A. Before I met him?

19 Q. Yes.

20 A. No. I didn't know anything about him before
21 I met him.

22 Q. I mean you never heard what he did
23 before for recreation?

24 A. He was interested in boats. This I know.

25 Q. How do you know that?

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Costino

1 A. He had one.

2 Q. At the time you met him he had a boat?

3 A. He had a boat while I knew him, yeah.

4 Q. What kind of boat?

5 A. Speed boat. Chris Craft.

6 Q. How big?

7 A. I don't know.

8 Q. Did it have an inboard or outboard?

9 A. Inboard.

10 Q. Where did he keep it?

11 A. He had a home in Lake Wapakin.

12 Q. Did you ever visit him there?

13 A. Yes.

14 Q. Did he take you out on his boat there?

15 A. Yes.

16 Q. Did you ever hear of him having any
17 accidents out on the boat?

18 A. There was an accident one time.

19 Q. What happened?

20 A. They're in the boat, okay, and all of a
21 sudden the boat turned over. Now this was
22 supposed to be a boat that didn't turn over. So
23 was the Titanic. So he got in touch with the
24 Chris Craft people -- it was a Chris Craft boat --
25 because they guaranteed the boat wouldn't turn

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Costino

1 over. So they went back and forth on why it
2 turned over and why it shouldn't have turned over
3 and a little girl was involved. She didn't drown
4 or anything, but there was a boat accident, yeah.

5 Q. Did he ever sue Chris Craft?

6 A. I don't know. I don't know if he sued.

7 Q. Did he get a new boat out of it?

8 A. No. The Chris Craft people came down and
9 they investigated. The outcome of the
10 investigation, I don't know. No, he didn't get a
11 new boat out of it because he had the same boat
12 all the time. I don't know what damage it did to
13 the boat so I couldn't tell you.

14 Q. Was Walter interested in sports?

15 A. You mean participating in sports or just
16 watching them?

17 Q. Well, first of all, as a
18 non-participant, was he interested in sports?

19 A. Yeah, he liked to watch baseball.

20 Q. Was he a guy who would go over to
21 Shibe Park?

22 A. No, I don't remember going to Shibe
23 Park -- Shibe Park? You are old. Shibe Park?
24 He never took the kids over -- he used to go to
25 the Yellowjacket Speedway.

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Costino

1 Q. Up in Pottstown or something like
2 that?

3 A. Someplace in Pennsylvania. And watch the
4 midget autos. But he didn't go to Shibe Park.

5 Q. Did he like driving a car?

6 A. Yeah, he liked it.

7 Q. Did you ever drive with him?

8 A. Yes.

9 Q. How would you characterize his
10 driving?

11 A. He was fast. He was a good driver.

12 Q. But tended to be fast?

13 A. Well, there was no 55 mile speed limit in
14 those days. He was a good driver. That's all I
15 can say.

16 Q. Do you know what activities, what
17 recreational activities he participated in himself,
18 forgetting about before, but from the time you
19 knew him?

20 A. He used to play golf.

21 Q. When you first knew him, was he a
22 golfer?

23 A. No. When I first met him?

24 Q. Yes.

25 A. No, he didn't play golf. Then he did get

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Costino

1 interested in golf.

2 Q. When was that?

3 A. When he became a big shot and he joined
4 Tavistock Country Club.

5 Q. When did he become a big shot?

6 A. Do you want dates?

7 Q. Just your best recollection of dates.
8 You can approximate them.

9 A. Maybe in '44, '45, '46, around that time.

10 Q. Why do you use the term he became a
11 big shot?

12 A. Well, he was making good money in the toy
13 business. He was president of the company.

14 Q. What do you mean by he was making
15 good money?

16 A. He had a lucrative business going.

17 Q. Do you have any idea how much he was
18 making?

19 A. No.

20 Q. But he looked like he was making
21 money from what you saw?

22 A. Well, he had to be making -- for what he
23 owned, his assets, gave me the inclination that he
24 was making money. I mean if you have a boat and
25 summer homes and drive big cars you have to be

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Costino

1 making money.

2 Q. What kind of cars was he driving?

3 A. Buick and Cadillac.

4 Q. Two cars at one time?

5 A. Well, he had a car and my sister had a car.
6 They were rented cars.

7 Q. He was ahead of his time?

8 A. Yes, he was. You better believe it.

9 Q. Was he the type of person that when
10 you say he looked like a big shot to you, was he a
11 big spender, too, I mean looked like he was
12 spending money?

13 A. He wasn't a cheapskate. If he took people
14 out for dinner, he would pick up the tab. He
15 didn't say you have hot dogs and beans. Whatever
16 you want.

17 Q. Everything was first class?

18 A. Right. Everything was top shelf.

19 Q. Would he entertain clients when he
20 had his factories?

21 A. Yeah. He would take salesmen out to dinner.

22 Q. Did he have regular places when he
23 worked in Camden and in Pennsauken where he would
24 have lunch or dinner?

25 A. The only places that I can tell you when he

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Costino

1 was in Camden, they used to go, it's called First
2 and Last Chance. It's a corner saloon.

3 Q. On Lansdowne Avenue?

4 A. You know. That's right. Because it was
5 right across the street from the business and
6 naturally they went there for lunch and then the
7 fellow that owned the First and Last Chance, he
8 sold it and opened up the Marlton Manner.

9 Q. Do you remember the Marlton Manner?

10 A. Yes, I do. You're a good guy to know. He
11 knows all the answers.

12 Q. Off the record.

13 (Discussion held off the record.)

14 (Break taken at 10:40 a.m.)

15 (Resumed at 10:50 a.m.)

16 BY MR. DROZDOWSKI:

17 Q. Mr. Costino, shall we proceed?

18 A. Yes, sir.

19 Q. You were telling us about that First
20 and Last Chance and the owner of it. Can you give
21 me his name?

22 A. The owner's name?

23 Q. Yes.

24 A. Curt Settle.

25 Q. Can you spell the last name?

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Costino

1 A. I don't know how he spelled it.

2 Q. Would that be S-e-t-t-l-e?

3 A. Yes.

4 Q. Is he still alive?

5 A. I think so.

6 Q. Do you know where he would be located?

7 A. I think he's in Florida, but I'm not sure.

8 I really don't know. I know he's alive, but where
9 he is, I don't know.

10 Q. And did Walter frequent his places,
11 First and Last Chance and then the Marlton Manner,
12 on regular occasions?

13 A. Yes.

14 Q. And he became friendly with Curt
15 Settle?

16 A. Yes.

17 Q. Now, do you remember Marie's first
18 husband?

19 A. Yes.

20 Q. What was his name?

21 A. William.

22 Q. William what?

23 A. Hunter.

24 Q. Do you know if he is still alive?

25 A. I assume it. I really don't know. I think

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Costino

1 he is, but I don't know.

2 Q. Do you know where he is located?

3 A. No.

4 Q. Do you know if Walter knew Mr. Hunter,
5 if they ever met?

6 A. I don't know.

7 Q. In the places that Walter owned and
8 operated, would he entertain people in the place
9 itself? For example, if he had people he was
10 selling to, did he offer them drinks?

11 A. I don't know. That I couldn't tell you.

12 Q. You don't remember him having a bar
13 and some refreshment place in any of the places he
14 operated?

15 A. No. I couldn't tell you.

16 Q. I think we're talking about
17 recreation. You said he got interested in playing
18 golf. When did he start playing golf on a regular
19 basis?

20 A. What year?

21 Q. Yes, approximately?

22 A. Maybe around '65, 1965.

23 Q. And was he still operating a business
24 at that time?

25 A. Yes.

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Costino

1 Q. Was that J and J?

2 A. No.

3 Q. What was he operating?

4 A. He had the pretzel business.

5 Q. I thought J and J was the pretzel
6 business?

7 A. I'm sorry. You got me confused. You're
8 right. Yeah, J and J, right. That's the pretzel
9 business. He had the pretzel business when he got
10 interested in golf.

11 Q. And was he a member of any country
12 clubs?

13 A. Yes.

14 Q. What country clubs was he a member of?

15 A. Indian Springs. I think Little Mills in
16 Medford. Those two country clubs.

17 Q. And when he started playing golf when
18 he was operating J and J, do you know how often he
19 would go out and play golf?

20 A. When he was operating the business?

21 Q. Yes.

22 A. I'd say he went about three or four times a
23 week.

24 Q. Did you go to play golf with him?

25 A. Yes.

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Costino

1 Q. And would that be in that same time
2 span?

3 A. Yes.

4 Q. Do you like playing golf?

5 A. I did at one time, yes.

6 Q. And when Walter would go to these
7 places at the beginning, '65 and thereafter, did
8 Walter smoke when he was out playing golf?

9 A. Yes.

10 Q. And was he smoking frequently while
11 playing golf?

12 A. Yes.

13 Q. One after another?

14 A. Yes.

15 Q. While he was playing would he be
16 puffing on a cigarette?

17 A. Yes. Not when he was teeing off.

18 Q. Put it aside --

19 A. Yeah, put the cigarette down, hit the ball,
20 pick the cigarette up and chase the ball.

21 Q. Did he go out to Ramblewood at any
22 time?

23 A. I think so, yes.

24 Q. How about -- is there a place called
25 Medford Village or Medford Lake?

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Costino

1 A. I thought that was Little Mills. I may be
2 wrong. I thought Little Mills was in Medford.

3 Q. As time went on in '65, did his
4 interest and the time he spent playing golf
5 increase, stay the same or get less?

6 A. It increased.

7 Q. Do you know why?

8 A. He enjoyed the game more. He got more
9 interested in it and then when he retired he was
10 playing golf every day.

11 Q. Had more time?

12 A. Yeah.

13 Q. What time in your mind was it that he
14 retired?

15 A. You mean year, right?

16 Q. Yes.

17 A. I think 19 -- early part of '70s.

18 Q. Excuse me?

19 A. The early part of '70s, 1970, 1971, I think.

20 Q. Do you know any people who would play
21 golf with him on a regular basis?

22 A. I know some.

23 Q. Could you tell me who they are?

24 A. Paul Madieri.

25 Q. He used to be a golf pro?

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Costino

1 A. He's a golf pro, yes. I know a lot of guys
2 just by first names. I don't know too many.

3 Q. Did he play regularly with a guy
4 named Manny Hand? Does that name ring a bell?

5 A. Yes.

6 Q. What did Manny Hand do for a living?

7 A. I think he was a salesman, but I'm not sure.
8 I remember hearing the name.

9 Q. Any other people you can recall who
10 played golf with him on a regular basis?

11 A. Me.

12 Q. Anybody else?

13 A. No, not that I know of. He just mentioned
14 different names, you know, who he met at a golf
15 course and that's all I can tell you about the
16 golf.

17 Q. He was very serious about golf?

18 A. Yes.

19 Q. When he played golf, did he at some
20 part of the day stop off at the course and have a
21 drink or afterwards?

22 A. Stop off someplace? Maybe after we played
23 golf, we'd sit and have a drink.

24 Q. How about at the golf course?

25 A. Yeah, we'd stop at the 19th hole. 689415923

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Costino

1 Q. How about when he worked at these
2 places on Haddon Avenue, Jefferson Street and
3 Pennsauken? Did he make it a routine to have
4 drinks with his lunch or during the day?

5 A. During the day? Maybe lunchtime he might
6 have a drink if he was going to lunch.

7 Q. Do you know what he drank normally?

8 A. Yeah. He was a whiskey drinker.

9 Q. Do you remember what kind of whiskey?

10 A. Yeah. He liked Canadian Club.

11 Q. Straight or with some kind of a --

12 A. Water.

13 Q. Do you know whether Walter liked to
14 read?

15 A. Yeah, he liked to read.

16 Q. Did it appear to you he would read
17 constantly?

18 A. He liked to read. What do you mean by
19 constantly?

20 Q. Well, some people are avid readers.

21 A. No, he wasn't a book bug if that's what you
22 mean.

23 Q. What types of things did he like to
24 read?

25 A. He liked to read magazines, Newsweek or

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Costino

1 similar to that type of magazine, Time.

2 Q. How about newspapers? Do you know
3 what newspapers he read over his lifetime?

4 A. Local. The local paper. Courier, maybe the
5 Inquirer.

6 Q. Was he the type of guy who was in
7 business would read the Wall Street Journal?

8 A. I don't know.

9 Q. New York Times?

10 A. I don't know.

11 Q. Your recollection is the Courier-Post?

12 A. Yeah, local papers. If he did read the
13 other papers, he maybe had them in the bedroom or
14 something. I don't remember seeing the Wall
15 Street Journal in the house.

16 Q. Do you know whether they had at home
17 the Readers Digest, would he read that?

18 A. Yes.

19 Q. Do you know whether they subscribed
20 to that, Marie and he?

21 A. I think they subscribed to that.

22 Q. Any other magazines that you remember?

23 A. No, not that I remember.

24 Q. Did he read or subscribe for any
25 magazines that dealt with health?

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Costino

1 A. Well, he was a health nut, yeah. I think he
2 subscribed to these nutrition magazines, I believe
3 you call them, vitamins, you know.

4 Q. You say he was a health nut. Can you
5 tell me why you said that?

6 A. Well, he took -- he believed in vitamin
7 pills.

8 Q. Did you ever discuss it with him?

9 A. Yeah.

10 Q. What did he tell you?

11 A. They're good for you.

12 Q. In what way? Did he say why vitamin
13 pills are good for you?

14 A. Well, he believed if something was wrong
15 with you that a vitamin pill would take care of it.

16 Q. Did he get any more specific about
17 that, pointing out any specific maladies that he
18 felt that vitamin pills help cure?

19 A. Well, if I said hey Walt, I have a pain in
20 this arm, I have a constant pain and he would say
21 take vitamin something.

22 Q. You were pointing to your left arm
23 when you said that. Just for the record I wanted
24 to show the motion you made. You're rubbing your
25 left arm and you said Walter I had a pain down my

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Costino

1 left arm?

2 A. I'm just saying to you, not to Walt. I'd
3 say Walt, I don't feel good, right. I keep having
4 pains in my stomach. He'd say well, take vitamin
5 so and so. That will probably help you out.
6 Things like that. He thought vitamins would take
7 care of everything.

8 Q. Did he ever tell you what he thought
9 he was getting out of the vitamins, what it did
10 for him?

11 A. Yeah. It gave him a healthy feeling.

12 Q. Did he tell you of any diseases that
13 vitamins would help prevent?

14 A. He used to tell me vitamin C would take care
15 of this disease and this vitamin would did this.
16 I didn't pay too much attention.

17 Q. Well, I'm just trying to get the
18 disease that he mentioned. Did he mention heart
19 disease?

20 A. I don't remember that.

21 Q. How about cancer? Did he say any of
22 these vitamins --

23 A. No, he never said anything about vitamins
24 curing cancer. He never said that.

25 Q. You've mentioned a nutrition magazine.

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Costino

1 Does Prevention magazine refresh your recollection?

2 Was that a magazine?

3 A. I subscribed to Prevention at one time. I
4 don't know if he did or not but I have. I don't
5 know if he subscribed to that. I don't know if he
6 subscribed to them, but he read them.

7 Q. Do you know what vitamins he did take?

8 A. I think he took every vitamin on the market.

9 Q. Do you know how much or what amount?

10 A. No, I couldn't tell you how much.

11 Q. Did he ever discuss anything he read
12 or saw or heard that dealt with vitamins and
13 smoking and health?

14 A. No, he never said anything about that.

15 Q. Do you understand my question?

16 A. Yes. In other words, vitamin C might cure
17 cancer? Is that what you're talking about?

18 Q. In other words, if you're smoking and
19 taking the vitamins it will take care of you
20 although you're smoking.

21 A. If I pop twenty pills, then I can smoke? Is
22 that what you are saying?

23 Q. Did he ever discuss with you anything
24 which he saw or read which dealt with the use of
25 vitamins for someone who was smoking?

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Costino

1 A. Oh, no.

2 Q. Do you know what television or radio
3 shows he liked, anything specific you can recall
4 there?

5 A. Sports. I don't know if he liked variety
6 shows or not. He never watched the soap boxes, I
7 don't think. Variety shows like Ed Sullivan and
8 Jackie Gleason, he used to watch that.

9 Q. Was he a guy that really spent a lot
10 of time watching TV or just on occasion?

11 A. Just on occasion. If he didn't have
12 anything to do at night, he would watch the shows.

13 Q. Was he a person that liked to
14 socialize, go out on the weekends and evenings?

15 A. I don't think he went out too much during
16 the week. The only time he would go out was like
17 family things, you know.

18 Q. Other than the family, the Costinos,
19 do you know of any people that he would socialize
20 with?

21 A. He was very friendly with Henry Straley.

22 Q. Who is Henry Straley?

23 A. He used to have a contracting business in
24 Camden.

25 Q. Is he still alive?

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Costino

1 A. I think so.

2 Q. Do you know the name of the
3 contracting company?

4 A. StraCo.

5 Q. How did he know Straley?

6 A. I don't know how they met.

7 Q. How about other than Henry Straley,
8 do you know of any other people that he would know
9 and socialize with?

10 A. He was friendly with Louis Cataldi.

11 Q. C-a-t-a-l-d-i?

12 A. I think that's how you spell it. He's dead
13 now.

14 Q. What did Mr. Cataldi do?

15 A. He was a shoemaker. He didn't have too many
16 outside friends other than business.

17 Q. Could you describe the man Walter
18 Reach, his personality, for me?

19 A. That's a tough one.

20 Q. Just think you're writing one of
21 these things for Readers Digest, the most
22 unforgettable man.

23 A. He was a compassionate man; a good family
24 man; he took interest in his children. He'd do
25 anything for you. I mean if you had problems,

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Costino

1 he'd help you out. Gee, I don't know. A nice guy.

2 Q. Was he the type of person that ran
3 his own life or did he let other people run it for
4 him?

5 A. Ran his own life.

6 MR. WEINER: I'll object to the form
7 of the question.

8 A. I can't answer. He ran his own life. I
9 don't know what you mean by that.

10 Q. Was he the type of person who would
11 want to be in control of things?

12 A. In his business, yes. But outside of his
13 business?

14 Q. Yes.

15 A. I don't know how to answer that. I don't
16 understand the question. What do you mean want to
17 control? Does he want to be boss all the time
18 when you are out with him?

19 Q. You've seen him.

20 A. He'd go along with you whatever you wanted
21 to do.

22 Q. Was he a man who would express his
23 opinions?

24 A. Oh, yes, he would express his opinions.

25 Q. Would he be a person who had an idea

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Costino

1 on how to do things and would express that not
2 only at work but at home?

3 A. Yeah.

4 Q. Was he a calm person or a nervous
5 person?

6 A. He was fairly calm. Nervous? Was he a
7 nervous person? Just a normal person as far as
8 nerves go, I guess. He was all right under
9 pressures if that's what you mean. He wouldn't
10 crack up or anything. He was calm -- he could
11 handle a situation without being all nervous, you
12 know.

13 Q. When he would do things, was he a
14 perfectionist or was it slipshod?

15 A. No, he was a perfectionist, yes. Nothing
16 slipshod about him.

17 Q. Did he ever talk to you about his
18 philosophy on life, what his attitude toward life
19 was, how he thought about things?

20 A. You mean the hereafter and things like that?

21 Q. Anything.

22 MR. WEINER: You're asking him
23 Walter's views on anything?

24 MR. DROZDOWSKI: That's right.

25 MR. WEINER: I think that's an

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Costino

1 improper question.

2 MR. DROZDOWSKI: Are you objecting?

3 MR. WEINER: I'm objecting. I don't
4 think it's proper and I think it's a ridiculous
5 question. I don't know how the witness can answer
6 it. You're asking him his views on anything?

7 MR. DROZDOWSKI: On anything.

8 BY MR. DROZDOWSKI:

9 Q. You talked to him a lot. I just want
10 to know what you recall that he had views on?

11 A. Take religion. He didn't believe in my
12 religion. That's as far as religion. What else?

13 Q. Like work. What was his attitude
14 about work? For example, some people live --

15 A. I pay you a dollar, I want you to give me a
16 dollar's worth. This was his attitude. This was
17 his philosophy.

18 Q. And how about his attitude about
19 himself working? Was he the type of person that
20 enjoyed working? Was he the type of person who
21 lived to work or worked to live?

22 A. He enjoyed his work. He enjoyed being in
23 business.

24 Q. Without having a business?

25 A. He wasn't the kind of man that could sit

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Costino

1 down and just let the world go by. He always had
2 to be doing something. As you can very well see,
3 when he got rid of the toy business, he went on --
4 he never stopped to collect unemployment. This
5 was the kind of person he was.

6 Q. He was a hustler?

7 A. You got it.

8 Q. Do you know whether he ever saw a
9 psychologist or psychiatrist during his lifetime?

10 A. Not that I know of.

11 Q. Do you know whether he and Marie ever
12 separated during his lifetime?

13 A. No, not that I know of.

14 Q. Do you know whether there was ever
15 any talk of separation?

16 A. Not that I know of, no.

17 Q. Do you know whether Walter was ever
18 involved in any lawsuits other than the one you're
19 here for, the one that was brought?

20 A. No. Not that I know of, no.

21 Q. Did he ever tell you that he sued
22 somebody for an automobile accident?

23 A. I don't know. I don't know if he ever sued
24 anybody for an automobile accident.

25 Q. Did he ever tell you of any lawsuits

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Costino

1 he was involved with?

2 A. Not that I know of, no.

3 Q. How was his health during the period
4 of time that you knew him up until 1982, when he
5 went into the hospital at Temple, in August of '82,
6 up until that time?

7 A. He had good health. I know he had several
8 operations and he always came out of them. Other
9 than that, He had good health. Other than coughing
10 a lot, you know, and hacking. That he did a lot
11 of.

12 Q. Did he have stomach problems during
13 his life?

14 A. I think he had half his stomach removed or
15 something like that. He had a stomach operation,
16 I know that. I know he had problems with his
17 stomach and his head, too.

18 Q. With his head, too?

19 A. Yeah. He had a brain operation, I think.
20 He had a tumor on the brain and he was operated on
21 for his brain and his stomach.

22 Q. Do you recall when he was having
23 stomach trouble?

24 A. No. Later years, I think.

25 Q. We have some medical records that

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Costino

1 indicate he had surgery in November of '69 at
2 Saint Luke's Hospital for an ulcer and in 1970 at
3 Saint Luke's part of his stomach was removed. Is
4 that about the period of time you're talking about?

5 A. Yes.

6 Q. Do you remember whether you visited
7 him at the hospital?

8 A. I think I did visit him once.

9 Q. Do you know whether he was smoking in
10 the hospital when you visited him?

11 A. That I don't know. You mean when I visited
12 him?

13 Q. Yes.

14 A. That I don't know.

15 Q. Do you know who was treating him at
16 that time, what doctor?

17 A. I know his family doctor. I don't know if
18 it's the doctor that was treating him in the
19 hospital. I don't know who the doctors were in
20 the hospital.

21 Q. Who was his family doctor?

22 A. Jules.

23 Q. Borenstein?

24 A. That's it.

25 Q. Have you met Dr. Borenstein?

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Costino

1 A. Yes.

2 Q. How often have you met him?

3 A. How often have I met him? I've been in his
4 company maybe half a dozen times.

5 Q. Were those social occasions?

6 A. No, no. Just going over to his office with
7 Marie and he'd be over at the house a few times,
8 Marie's house, and I'd go visit my sister and he'd
9 be there, you know. That's all.

10 Q. What I'm getting at, were you a
11 patient of Dr. Borenstein?

12 A. No.

13 Q. Why would you be at his office?

14 A. I would take a ride with Marie.

15 Q. He was also her doctor?

16 A. Yes.

17 Q. And was he also Walter's doctor?

18 A. Yes.

19 Q. Did you ever talk to Walter about
20 medical science and doctors?

21 A. No. He thought they were all nuts, but he
22 was the type of person that if you could stay away
23 from a doctor, stay away from them, okay. He went
24 to the doctors when he had to, but he wasn't a
25 believer in doctors. He wasn't too crazy about

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Costino

1 doctors.

2 Q. Did he seem to have faith in doctors?

3 A. Not too much.

4 Q. You say you saw Dr. Borenstein maybe
5 half a dozen times and your recollection is a
6 couple of times you went with Marie to the
7 Doctor's office?

8 A. Yes.

9 Q. The other times were they at the
10 Reach residence?

11 A. Yes.

12 Q. And he was there for some occasion?

13 A. He was there for dinner.

14 Q. And you would meet him there?

15 A. Yes.

16 Q. Were Dr. Borenstein and Walter on a
17 friendly basis?

18 A. Yes.

19 Q. Do you know whether Dr. Borenstein
20 ever told Walter to change his eating and drinking
21 habits as a result of the stomach problem?

22 A. Do I know that he told him?

23 Q. Yes. I mean were you ever told?

24 A. No, I was never told. I assumed it, but I
25 was never told. I assume if you have a stomach

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Costino

1 operation, you are going to change your way of
2 eating on anybody, but I never heard Jules say to
3 wait you got to change your style of eating.

4 Q. Did you notice at some point in time
5 when Walter had the stomach problems around the
6 time of the operation and thereafter if there was
7 any change in the way he ate, the way he drank
8 alcohol?

9 A. Yeah. He cut down on his eating. He could
10 only eat certain things, you know. And maybe he
11 cut down on his drinking, I guess. I really don't
12 know. He did cut down on drinking.

13 Q. How do you know that?

14 A. You can tell by the size of the bottle.

15 Q. What do you mean by that?

16 A. Well, you know, if he would drink maybe four
17 or five, then maybe he cut down to maybe two, he'd
18 cut down.

19 Q. This was after the stomach problems?

20 A. Yes.

21 Q. How would you describe Walter as a
22 consumer of alcohol before the stomach problems?

23 A. Before the stomach problems?

24 Q. Yes.

25 A. I'd say he was a moderate drinker.

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Costino

1 Q. And when you say moderate drinker,
2 what do you consider a moderate drinker? How much
3 did he drink? What did you see him drink?

4 A. Well, he wasn't the kind of guy that had to
5 have a bottle in front of him all the time or hide
6 it in the closet. He wasn't that type of a
7 drinker -- or he had to stop at a taproom and get
8 a drink. If we'd sit down socially and have a few
9 drinks the same as you and I would have, maybe a
10 little more than me because I'm not a drinker, but
11 he could hold his liquor. I'm never seen him
12 drunk.

13 Q. If you went to a restaurant or a bar
14 with him and you spent a couple of hours, how much
15 would he drink during that couple hours?

16 A. How much would he drink?

17 Q. Yes. This is before the operation.

18 A. Say about what, an hour?

19 Q. An hour, two hours?

20 A. An hour, he might have three drinks.

21 Q. And after he had the stomach problems
22 and the operation, did he cut down on his drinking?

23 A. Yes, he did.

24 Q. How much would he drink after that?

25 A. If I went to his house after the operation,

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Costino

1 and, say, in the course of two hours, he might
2 have maybe two shots and a beer -- not beer, two
3 shots with water just with me. That's all.

4 Q. So there was a difference?

5 A. There was a difference, yes.

6 Q. And on food consumption after the
7 operation, were there things that he used to eat
8 or like to eat before he had the stomach problem
9 that after the stomach problem he gave up or cut
10 down on?

11 A. I'd say he cut down, but I really don't know.

12 Q. Do you have anything specific like
13 things you recall he used to eat before and then
14 after the operation you didn't see him eating it?

15 A. No, I couldn't tell you that. I know he
16 liked spaghetti. I don't know whether he ate
17 spaghetti after the operation or not. I really
18 don't know. He liked high-seasoned food, but after
19 the operation he had to let up.

20 Q. So he would stop with the seasoning
21 after the operation?

22 A. Yes.

23 Q. And before the operation he really
24 enjoyed nighly seasoned food?

25 A. Yeah. He liked all Italian food. He liked

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Costino

1 Italian food. Spaghetti, ravioli. He liked that.

2 Q. Do you know anybody, whether it's a
3 doctor or anybody else, when he was having the
4 stomach problems told him to stop smoking or cut
5 down on the smoking?

6 A. Any other person other than Dr. Jules?

7 Q. No. Dr. Jules or anybody else that
8 told him?

9 A. I know Dr. Jules told him he had to stop
10 smoking or he should stop smoking.

11 Q. And that was back when he was having
12 the stomach problems?

13 A. We all told him he ought to stop smoking
14 because he had an awful cough and we used to say
15 why don't you give those damn things up.

16 Q. Do you remember him in the hospital
17 for that brain problem?

18 A. Do I remember? I remember him being there.
19 I didn't visit him when he was in for the brain
20 operation.

21 Q. We have records that it was in
22 February of 1975 he was operated on his head.
23 Does that refresh your recollection?

24 A. Yeah.

25 Q. Do you know whether he ever told you

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Costino

1 that the thing that brought about this operation
2 was caused by an automobile accident?

3 A. Gee, I don't know. An automobile accident?

4 Q. Yes.

5 A. I don't know. I can't answer that question.

6 Q. I just want to know what he told you.

7 A. No. I don't think he ever told me that. I
8 don't think he ever told me why he had the tumor
9 on the brain. I just knew he had it and had to
10 have an operation.

11 Q. You describe it as a tumor on the
12 brain?

13 A. I assume that's what it was. I don't know
14 what it was on the brain.

15 Q. Did anybody ever tell you what it was?

16 A. No. That is the only operation I know is
17 the tumor on the brain. There might be more, but
18 I don't know.

19 Q. Did Walter like to drink coffee?

20 A. Yes, he was a coffee drinker, yes.

21 Q. Did he change in any way about
22 drinking coffee about the same time the stomach
23 problems were around? Did he cut back?

24 A. I don't know.

25 Q. Was he a soda or cola drink?

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Costino

1 A. No. He didn't go for that sweet stuff.

2 Q. How about did he use artificial
3 sweeteners?

4 A. I don't know.

5 Q. Was he a person who would like to
6 keep his weight down and try to keep his weight
7 down by dieting and things like that?

8 A. I don't know if he dieted but he was
9 conscious of his weight. He liked to be slim and
10 he kept his weight down. How he did it, I don't
11 know.

12 Q. Was he heavier at one time during his
13 lifetime?

14 A. Yes.

15 Q. Was that before the stomach problem
16 and the operation?

17 A. Yes. When he was younger, he was heavy. He
18 was a big man at one time.

19 Q. How tall was he? I'm six foot two.

20 A. I guess Walt was about six, two, but he was
21 heavier. He was that and this. He was a big man.
22 Big featured. I think he weighed 18 pounds when
23 he was born. He was a big baby. 18 pounds when
24 he was born. He was big. In those days they had
25 big babies. He was a big man.

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Costino

1 Q. Before he had the stomach problem and
2 the operation, how much did he weigh then, your
3 best estimate? Figure you're out in the boardwalk
4 in Atlantic City and guessing the weight.

5 A. I guess he went about 250.

6 Q. And after the operation --

7 A. Then he went down. He went down 175, 180.
8 He slimmed down.

9 Q. Did he keep that 175, 180 through
10 1982?

11 A. Yes. Of course, towards the end, he got
12 skinny, skinny, skinny; then he died.

13 Q. But until 1982 he stayed at 175?

14 A. Before he got real sick he maintained the
15 same weight.

16 Q. Do you know of any illnesses or
17 diseases his parents had during their lifetime?

18 A. His father went blind if that means anything
19 to you.

20 Q. Do you know what caused that?

21 A. I don't know.

22 Q. Did his father work for him?

23 A. Yes.

24 Q. Where at?

25 A. Haddon Avenue, Cortland.

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Costino

1 Q. Did his father live in Camden?

2 A. Did he live in Camden?

3 Q. Yes.

4 A. Yes.

5 Q. Do you know where?

6 A. I think it was Atlantic Avenue in Camden. I
7 think it was Atlantic Avenue. That's the only
8 place I remember.

9 Q. You don't know whereabouts on
10 Atlantic Avenue?

11 A. About 1300 block, 1200 block of Atlantic
12 Avenue.

13 Q. How about his mother? Do you know
14 whether she was ill or had any diseases during her
15 life?

16 A. I don't know.

17 Q. Do you know what they died of?

18 A. No, I couldn't tell you.

19 Q. Did he have a sister?

20 A. Yes.

21 Q. Do you remember her name? Does
22 Mildred Anderson ring a bell?

23 A. That's it.

24 Q. Do you know what she died of?

25 A. No.

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Costino

1 Q. Did anybody ever tell you she had
2 cancer of some sort?

3 A. If they did, I don't remember.

4 Q. How about his brother? Did you ever
5 meet his brother?

6 A. Al, yeah.

7 Q. Did Al work for Walter?

8 A. Yes, at one time, yes.

9 Q. Where at?

10 A. I think on Haddon Avenue.

11 Q. Were you friendly with Al?

12 A. Yes.

13 Q. Was Al a smoker, cigarette smoker?

14 A. Yes.

15 Q. Is he still a smoker?

16 A. I don't know.

17 Q. When was the last time you saw Al?

18 A. Ten years, fifteen years ago, I guess. I
19 haven't seen him since I've been married, so I
20 guess about fifteen years.

21 Q. Is he down in Florida?

22 A. Yes, I think so.

23 Q. Do you know of Walter's smoking
24 habits for that period of time before you met him?
25 Did he ever tell you when he started to smoke and

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Costino

1 things like that, how he started to smoke?

2 A. I think he started at a young age. That's
3 all I can tell you.

4 Q. How do you know that?

5 A. I think he mentioned he started smoking when
6 I was 13. I started smoking when I was 13 and he
7 started when he was 12. Just in conversation.

8 Q. So it's your impression that he
9 started smoking very young?

10 A. Yes, just my impressionn.

11 Q. Do you know how he started smoking or
12 why he started smoking?

13 A. No.

14 Q. He never said I picked up a cigarette
15 one day with Joe Blow or anything like that?

16 A. No.

17 Q. Do you know what brands he smoked in
18 that period of time from when he started until you
19 met him?

20 A. The only thing I know, he used to smoke Kent,
21 Viceroy and Pall Mall.

22 Q. I'm talking about before you met?

23 A. Before I met him? No, I don't know what he
24 smoked.

25 Q. Do you know how much he smoked in

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Costino

1 that period of time before you met him?

2 A. No.

3 Q. Did he ever mention it to you?

4 A. No, I don't know.

5 Q. And when you first met him he was a
6 smoker?

7 A. Yes.

8 Q. And when you first met him how much
9 was he smoking? I don't mean right at that moment
10 you saw him, but during that first year or so.

11 A. I'd say he smoked on the average of about
12 three days packs a day. He was a heavy smoker.

13 Q. And over his lifetime up until 1982,
14 did he stay at that level of three packs a day?

15 A. You mean prior to '82?

16 Q. Yes.

17 A. Yes, I'd say -- I don't think he ever cut
18 down or anything like that. He always had
19 cigarettes in his mouth, you know.

20 Q. Do you recall the brands he smoked
21 during the period of time that you knew him? I
22 think you mentioned Kent and you mentioned another
23 one?

24 A. I don't know the period of time. They're
25 the cigarettes I think he used to smoke.

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Costino

1 Q. I'm just asking for your best
2 recollection. I'm trying to find out what you
3 remember him smoking and when was it as best you
4 can recall?

5 A. All I can tell you about his smoking is the
6 kind of cigarettes he smoked. When he smoked a
7 particular brand, I don't know. I mean I can't
8 say he smoked Kent from 1965 to '72. I can't tell
9 you that.

10 Q. Well, let's work it this way. When
11 he was operating the place on Haddon Avenue --

12 A. Yeah..

13 Q. -- Cortland, do you remember what
14 brand he was smoking at that time?

15 A. No.

16 Q. When he went down to Jefferson Street,
17 do you remember what brand he was smoking?

18 A. No.

19 Q. When J and J was in operation, do you
20 know what he was smoking?

21 A. No.

22 Q. You're saying you don't know?

23 A. I don't know. I couldn't say he smoked Kent
24 when he was at J and J. I can't tell you that.

25 All I knew is he smoked three different brands.

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Costino

1 Q. Give us the brands that you remember
2 him smoking?

3 A. Kent, and I think Viceroy and Pall Mall.
4 Mostly Kent. Mostly Kent.

5 Q. Do you recall or is there any way you
6 can tell us in this period from 1943, this almost
7 40 years that you knew him, what periods in those
8 40 years he was Kent, what periods --

9 A. I can't tell you that. I can't tell you
10 that. That I don't know. The same way with me.
11 I used to smoke. I started with Lucky Strike -- I
12 started with Chesterfield, then I went to Lucky
13 Strike and then I went to Pall Mall, but I can't
14 tell you when I did it. Same thing with Walt. I
15 just can't tell you.

16 Q. Let me ask you a few more questions.
17 I'm not trying to be a pain. When he retired,
18 when he spent most of his time at home, on the
19 golf course, when he was working on making the
20 things for the Bicentennial, do you know what
21 brand he was smoking at that time?

22 A. I think it was Kent. I think toward his
23 later years he went over to Kent.

24 Q. In those earlier years, in the
25 '40s and '50s and '60s, do you remember what

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Costino

1 brands stick out in your mind or brand?

2 A. Viceroy sticks out in my mind because I
3 think he got my brother to smoke Viceroy.

4 Q. Do you know when he got your brother
5 to smoke Viceroy?

6 A. No.

7 Q. And you say you also remember Pall
8 Mall?

9 A. I think Pall Mall, too.

10 Q. What makes you think Pall Mall?

11 A. What makes me think Pall Mall?

12 Q. Yes.

13 A. Because I think I switched over to Pall Mall
14 and I switched over because I think he switched
15 over to Pall Mall.

16 Q. Was there any reason why he switched
17 over to Pall Mall?

18 A. I think I asked him why he was switching
19 over to Pall Mall and I don't remember whether he
20 said it was stronger or weaker, but that was one
21 of the reasons. I don't know exactly whether it
22 was stronger or weaker, but then I switched over.
23 But his later years was Kent because we used to
24 get him cartons of cigarettes for Christmas and it
25 was Kents and we'd always ask what type of

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Costino

1 cigarettes is Walt smoking and it was always Kent.

2 Q. Do you know what type of cigarettes,
3 filter, non-filter, length?

4 A. No.

5 Q. How about Pall Mall?

6 A. I think Pall Mall was unfiltered.

7 Q. How about Viceroy?

8 A. That's filter, I think.

9 Q. Do you know whether Walter's father
10 smoked cigarettes?

11 A. I think he smoked a cigar, either a cigar or
12 a pipe. He didn't smoke no cigarettes.

13 Q. Did you ever talk to Walter's father
14 or did he ever talk to you about Walter when he
15 started smoking?

16 A. No.

17 Q. Do you know what Walter's father's
18 attitude was about smoking?

19 A. Did I know his attitude?

20 Q. Yes.

21 A. No.

22 Q. Did he ever say to Walter, give them
23 up?

24 A. Not that I know of.

25 Q. How about his mother, did she ever

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Costino

1 smoke?

2 A. No.

3 Q. Do you know what her attitude was
4 about smoking?

5 A. No.

6 Q. Do you know if she ever talked to
7 Walter about his smoking?

8 A. Not that I know of.

9 Q. I asked you some questions about what
10 you noticed about Walter when he would smoke on
11 the job and I think you said he inhaled deeply.
12 Is that so when he was off the job smoking
13 regularly at home or on the golf course?

14 A. Oh, yeah, he inhaled.

15 Q. Did he seem to hold his breath after
16 inhaling or did he just blow it right out?

17 A. He took a drag, inhaled it and blew it out.

18 Q. Did he ever use any type of filtered
19 device, you know, like a cigarette holder or
20 anything like that during his lifetime?

21 A. You mean those long things that hold the
22 cigarette?

23 Q. Yes.

24 A. I think he tried it one time but then he
25 threw it away, but I couldn't say yes.

I remember
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Costino

1 somebody using these things, the cigarette holders,
2 but I don't know if it was Walt or not. But I
3 remember making fun of people using them, what are
4 you trying to prove.

5 Q. Over his lifetime, do you recall
6 periods where you would notice him smoking more
7 than other periods?

8 A. Like I said before, when he's, you know,
9 designing something or working at his desk, he
10 would smoke more, yes.

11 Q. Did Walter ever tell you why he
12 smoked cigarettes?

13 A. Why he smoked cigarettes? No, not really.

14 Q. Did he ever tell you what he got out
15 of smoking cigarettes?

16 A. Satisfaction, I guess.

17 Q. Did he ever tell you --

18 A. He never told me that, no. I'm only
19 assuming. I mean why does anybody smoke?

20 Q. Well, I'm trying to recall what
21 Walter told you.

22 MR. WEINER: You're not asking the
23 witness to guess or speculate. The witness has
24 volunteered speculation. You're asking what
25 Walter told him?

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Costino

1 A. No, Walter never said he liked to smoke. I
2 mean he never told me that.

3 Q. You're testifying that Walter never
4 told you he enjoyed smoking?

5 A. He never said he enjoyed it. I don't know
6 why he did it.

7 Q. Do you recall anything he said about
8 why he smoked cigarettes and what he got out of
9 the cigarettes in the 40 years you had known him?

10 A. Not that he would really come out and -- I'm
11 only speculating.

12 Q. I don't want you to speculate. Just
13 what you recall.

14 A. I'd say no.

15 Q. Did he tell you that it relaxed him?

16 A. Yes. I would say yes.

17 Q. Did he tell you at times it
18 stimulated him?

19 A. No, he never told me that.

20 Q. Did he ever tell you that it helps
21 relieves nervousness or anxiety?

22 A. I don't think he ever told me that. No. I
23 am only assuming that's why people smoke. I know
24 you don't want that, but no, he never said it
25 stimulates me.

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Costino

1 Q. Did he ever smoke anything other than
2 cigarettes? Did he smoke a pipe?

3 A. I never saw him smoke a pipe.

4 Q. How about a cigar?

5 A. No, I never saw him smoke cigars.

6 Q. Did he ever chew tobacco?

7 A. No.

8 Q. Do you smoke, sir?

9 A. Do I smoke now?

10 Q. Yes.

11 A. No.

12 Q. You had been a smoker, I assume?

13 A. Yes.

14 Q. When did you start smoking?

15 A. When did I start?

16 Q. Yes, sir.

17 A. When I was about 13 or 14, 12.

18 Q. How did you start?

19 A. Wanted to be a big shot, right. The other
20 kids were smoking so I smoked. That's all.

21 Q. And what brand did you smoke then?

22 A. Chesterfield.

23 Q. And when you started, how much did
24 you smoke?

25 A. Two a week, when I started, on the sneak.

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Costino

1 Q. Did your father and mother know about
2 it?

3 A. No.

4 Q. What were their attitudes about
5 smoking?

6 A. I can only tell you my mother's attitude. I
7 can't tell you my father. My mother didn't want
8 us to smoke. Eventually she found out, so when I
9 was 16 I asked is it all right if I smoke and
10 smoke in the house. She said you're 16. If you
11 want to smoke, smoke.

12 Q. How long did you smoke?

13 A. When did the Surgeon General's report come
14 out, 19 what?

15 Q. '64?

16 A. How long? About 30 years, I guess.

17 Q. What did the Surgeon General's report
18 have to do with your stopping smoking?

19 A. What it had to do?

20 Q. Yes.

21 A. Then it didn't have anything to do with it.
22 That's the time I gave it up, okay. But just
23 because it said warning on the package of
24 cigarettes didn't make me stop.

25 Q. Why did you stop?

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Costino

1 A. That's the time I stopped, when the General
2 Surgeon's report came. Why did I stop? Because I
3 started to hack. And I started to have a problem
4 with my lip. Every time I put I cigarette in, my
5 lip hurt.

6 Q. You used the time period of the
7 Surgeon General's report. Did you read about that?

8 A. Yeah.

9 Q. Did that play any part in your
10 stopping, the fact the Surgeon General said that
11 there was a greater risk of getting certain
12 diseases?

13 A. No. What scared me was because my lip
14 started to hurt and I figured something is
15 happening that shouldn't be happening. If my lip
16 didn't bother me, I probably would still be
17 smoking today.

18 Q. How did you quit?

19 A. Just quit.

20 Q. Cold turkey?

21 A. I'd tried several times prior to the time I
22 quit. You know, you cut down and the first thing
23 you know you're back to smoking again, so I tried
24 that several times and just didn't work. But then
25 when I got scared, then I said this is the time to

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Costino

1 stop and I just stopped.

2 Q. So you stopped because you were
3 nacking and because you had a sore lip?

4 A. Yeah. When I wake up in the morning, I'd
5 cough up flem and when I stopped, I didn't cough
6 it up anymore. That's all.

7 Q. Since stopping, what has your
8 attitude been about cigarette smoking?

9 A. My attitude?

10 Q. Yes. How do you feel about people
11 smoking?

12 A. I think they're nuts.

13 Q. Did you ever express that feeling to
14 anybody?

15 A. To Walter?

16 Q. Okay, to Walter.

17 A. Yes.

18 Q. What did you say to him?

19 A. I said you're nuts for not giving up
20 cigarettes. He says I can't give them up.
21 Anybody can give them up if anybody really wants
22 to. He says I can't. I said, well, go ahead and
23 smoke then. And I know he's tried.

24 Q. Let me ask you this. Did you explain
25 to him why you considered him nuts for doing it?

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Costino

1 A. Yeah.

2 Q. What did you tell him?

3 A. I says you're hacking yourself to death. I
4 am not a doctor, but cigarettes are probably
5 causing it. It stopped when I stopped smoking. I
6 said that's probably what your problem is. I said
7 you're nuts for smoking. Try stopping and giving
8 up. So he'd stop for a while and go right back.

9 Q. Did you say anything about any
10 specific diseases or illnesses that you thought he
11 might get from smoking?

12 A. Only what you hear on the radio, you know.

13 Q. Did you tell him hey, you can get
14 cancer if you continue smoking?

15 A. I never told him that.

16 Q. How about you can get heart disease?

17 A. The only thing -- I didn't specifically say
18 Walt, you're going to get cancer; Walt, you're
19 going to get heart disease. I said Walt, you're
20 crazy for smoking. You know what it does. They
21 say it causes cancer; it causes heart trouble; it
22 causes blood trouble. I said you're crazy for
23 smoking. That's all.

24 Q. Did Walter ever tell you that he knew
25 that smoking was bad for his health?

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Costino

1 A. That he knew it was bad for his health?

2 Q. Yes.

3 A. No, he never told me that, but I assumed he
4 knew it. He never told me.

5 Q. Well, did he ever discuss anything
6 about smoking and health with you? Did he ever
7 say anything about that?

8 A. Probably --

9 Q. Just your recollection.

10 A. The only thing I know is he knew it wasn't
11 good for your health. He knew he couldn't give
12 them up. He tried to give them up and he went
13 back. In fact, he went under hypnosis to give it
14 up and he used to go around and, you know, pretend
15 he was smoking.

16 Q. You're holding a pen in your hand, a
17 marking pen?

18 A. Pick up a pencil, right, and pretend he
19 had -- he had to do something with his hands. So
20 there for a while he'd pick up a pencil and make
21 believe he was smoking. Then it got to a point
22 then he'd pick up a cigarette and started smoking
23 that, but he tried to give them up.

24 MR. WEINER: So long as he didn't
25 light the pencil.

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Costino

1 MR. DROZDOWSKI: Believe me, it's not
2 that close to lunch for that type of humor.

3 MR. WEINER: It depends on what kind
4 of lunch you're going to have.

5 MR. DROZDOWSKI: Off the record.

6 (Discussion held off the record.)

7 BY MR. DROZDOWSKI:

8 Q. Can I call you Ed?

9 A. Sure, go ahead.

10 Q. You just testified that you know that
11 Walter knew it was bad for him. How do you know
12 that he knew that it was bad for you?

13 A. I assume that he knew on account of the
14 advertising that the cigarette industry was
15 getting at that time. Everywhere you look, it was,
16 you know, smoking is bad for your health. So I
17 assume he knew.

18 Q. When you say advertising, you're
19 talking about the Surgeon General's report out
20 there, all the things in the paper saying --

21 A. Right.

22 Q. Walter didn't discuss advertising
23 with you, cigarette advertising with you, did he?

24 A. No.

25 Q. Were there other people besides you

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Costino

1 who were trying to get walter to stop smoking?

2 A. I think his kids tried. The kids used to
3 tell him, Dad, you know, stop smoking. It's not
4 good for you. I don't know if my sister tried.

5 Q. Who is your sister?

6 A. Marie.

7 Q. Do you have any recollection of her
8 telling you she's tried to get Walter to stop
9 smoking?

10 A. I think we all told him to stop.

11 Q. What other brothers?

12 A. The whole family. We all told him to stop,
13 because see, we all stopped. All my brothers
14 smoked at one time. Every one of us smoked at one
15 time and we all stopped. And we tried to tell him
16 he can give them up. You're crazy for smoking
17 them, you know, give them up. He said it's easy
18 for you guys to say. We said no, it's not easy
19 for us to say. We stopped. We know what you're
20 going through.

21 Q. Do you know what Walter told his kids
22 about smoking?

23 A. No. All I know is the kids said Dad, why
24 don't you stop smoking.

25 Q. Does Marie smoke?

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Costino

1 A. I think she does.

2 Q. Did you ever try to get her to stop
3 smoking?

4 A. I tell her, we all stopped, why don't you
5 stop.

6 Q. What does she say to that?

7 A. I don't know.

8 Q. Did Walter ever tell you he wanted to
9 stop smoking?

10 A. Yeah.

11 Q. When was the first time you remember
12 he told you he wanted to stop smoking?

13 A. I think when we started to stop. I think he
14 said I want to stop, too, and then he proceeded to
15 try.

16 Q. Excuse me. I didn't hear that.

17 A. Then he proceeded to try.

18 Q. You stopped smoking around 1964?

19 A. I think that's when it was.

20 Q. And you said he wanted to try then?

21 A. We all tried to stop at all about the same
22 time.

23 Q. Your brothers all stopped at the same
24 time?

25 A. Yeah, maybe a few years later.

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Costino

1 Q. They were all successful in stopping
2 smoking?

3 A. Yes.

4 Q. You all went cold turkey, is that
5 correct?

6 A. Yes.

7 Q. And Walter said he would try to stop
8 smoking?

9 A. Yes.

10 Q. Back around '64?

11 A. Yes.

12 Q. Do you know what he did to try to
13 stop smoking?

14 A. I told you he went to hypnosis. I don't
15 know when he went, but he tried hypnosis. He
16 tried cutting down, you know, and eventually stop.

17 Q. You had an experience with cutting
18 down which didn't prove successful, is that right?

19 A. Right.

20 Q. Did you tell him that cutting down
21 wasn't the way to do it?

22 A. That's right.

23 Q. What did he say to that?

24 A. He says it's the only way I can do it, if
25 that is, I have to do it. He said I just can't

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Costino

1 stop cold turkey. He asked me how I stopped and I
2 said I went cold turkey.

3 Q. Do you know of any time he went cold
4 turkey?

5 A. Dates?

6 Q. Any time.

7 A. The only thing I can tell you he tried.
8 Dates I can't tell you.

9 Q. What I'm saying to you is do you know
10 whether at one point in time he went cold turkey
11 by himself; he just gave up the cigarettes and
12 tried to do without cigarettes?

13 A. Oh, yeah. And then he went back.

14 Q. When was the first time you know he
15 tried to go cold turkey?

16 A. I think he tried when we did, around '64,
17 something like that.

18 Q. Do you know how long he went?

19 A. A couple days, maybe a week.

20 Q. Did he tell you why he couldn't --
21 why he went back?

22 A. Yeah. He just craved for them. He couldn't
23 stop. Got to a point, then, you know, he got
24 nervous and jumpy, hollering, you know. You know
25 how it is. Did you ever smoke? Any of you guys

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Costino

1 ever smoke? You know how it is.

2 Q. Let me ask you something. When you
3 gave them up cold turkey, did you have the craving
4 feelings?

5 A. Did I have the craving feelings?

6 Q. Yes.

7 A. When I gave them up, I had no desire for a
8 cigarette. Now that's me. I know people that
9 have given them up and still crave for the
10 cigarette but do not smoke. But me, I just gave
11 them up and that was it and I never craved them,
12 which to me is unusual.

13 Q. How about your other brothers?

14 A. Some of them still crave for a cigarette,
15 yes.

16 Q. Did they tell Walter that you might
17 have to crave for a while, but if you want to do
18 it you're going to have to do it?

19 A. Yeah.

20 Q. Did they tell him it would take some
21 effort on his part to give it up?

22 A. Yes.

23 Q. Now you say sometime around '64 he
24 went cold turkey and within a week he was back
25 smoking again. What other attempts do you know of

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Costino

1 that he tried to stop or to cut down?

2 A. Hypnosis.

3 Q. Can you put that in a time frame? Do
4 you know when that was?

5 A. No.

6 Q. Was it in the '60s?

7 A. I couldn't tell you. All I know is --

8 Q. How do you know that he underwent
9 hypnosis?

10 A. How do I know?

11 Q. Yes.

12 A. He told me.

13 Q. What did he tell you?

14 A. Marie also told me.

15 Q. What did Walter tell you?

16 A. He told me that he heard that you can give
17 up smoking under hypnosis and he tried it.

18 Q. Now, you can't give us a date when
19 that was?

20 A. No.

21 Q. You don't know whether that was in
22 the 1960s?

23 A. I couldn't tell you.

24 Q. Could you approximate it?

25 A. Maybe late '60s. Maybe. I don't know.

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Costino

1 Q. Now when Walter told you that, was he
2 already undergoing hypnosis or was he planning to
3 get hypnotized?

4 A. I don't know if he told me after he started
5 it or before. I don't know. I can't tell you
6 that.

7 Q. As you sit there, tell us as you look
8 into your mind, tell us what Walter said with
9 regard to hypnosis?

10 A. He said I'm going to try hypnosis to give up
11 cigarettes. He said people tell me they have
12 given up under hypnosis and he said I'm going to
13 try it.

14 Q. Were there any other conversations
15 that you had with Walter you can recall him saying
16 anything else about hypnosis? Did he say he was
17 hypnotized? Did he say anything else about the
18 hypnosis?

19 A. In other words, did it work or not? Is this
20 what you're saying?

21 Q. I'm just trying to get from you
22 everything you recall Walter ever saying about his
23 wanting to be hypnotized?

24 A. He wanted to be hypnotized and he was
25 hypnotized.

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Costino

1 Q. How do you know that?

2 A. Because he told me.

3 Q. What did he say?

4 A. He said I'm going under hypnosis and I think
5 it worked for a while. I think that's when he
6 started with the pencil. I think --

7 Q. You're indicating you just picked
8 up --

9 A. When he wanted the cigarette, he would pick
10 up the pencil, but it didn't work because he went
11 back to cigarettes.

12 Q. Do you know if he saw somebody who
13 put him under hypnosis?

14 A. I don't know. I can't tell you that.

15 Q. Did he tell you of anybody who put
16 him under hypnosis?

17 A. Did he know anybody who went under hypnosis?

18 Q. No. I am asking you, you said you
19 have a recollection of him saying I have heard
20 about hypnosis and I want to try it. Did you find
21 out from him whether he did get hypnotized and
22 what he said about it and what it did for him?

23 A. Yeah. He said he got hypnotized and
24 eventually he said it didn't work.

25 Q. Did he tell you why it didn't work,

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Costino

1 wnat the hypnosis --

2 A. No, he didn't say, no. He just said I tried
3 it and it didn't work on me.

4 Q. Did he actually stop smoking for a
5 while?

6 A. While he was taking hypnosis?

7 Q. Yes.

8 A. Yeah, I think he did. I think. I don't
9 know. But I think he did. I think that's when he
10 started to pick up the pencil.

11 Q. Did you see him during this period of
12 time that you would say that he was under hypnosis?

13 A. Yeah, and he wasn't smoking.

14 Q. Did you notice anything unusual about
15 him during that period of time?

16 A. Yeah. He was nervous. He was always
17 picking up a pencil. He was nervous.

18 Q. And holding it like a cigarette?

19 A. Yeah, and made believe he was smoking.

20 Q. Do you know how long a period of time
21 he did that?

22 A. No.

23 Q. Do you know whether it was two weeks
24 or two months or longer?

25 A. I don't know. I couldn't tell you that.

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Costino

1 Q. Do you know what Marie told you about
2 this hypnosis, anything she told you?

3 A. No. No. I don't know anything about Marie
4 saying anything.

5 Q. Did you have any further information
6 or anything else --

7 A. About the hypnosis, no. The only thing I
8 know is he tried it and it didn't work. That's
9 all I can tell you about that.

10 Q. Now you've told us the first time
11 in '64 or thereabouts he went cold turkey for
12 about a week or so, and the second time hypnosis
13 sometime you said maybe in the late '60s. Do you
14 know of any other times where he stopped or cut
15 down?

16 A. No, no.

17 MR. DROZDOWSKI: It's 12:00 noon.
18 How about if we break for lunch?

19 (Lunch break taken at 12:00 p.m.)

20 (Resumed at 1:25 p.m.)

21 MR. WEINER: Before we continue, the
22 witness advised me during the lunch hour that his
23 last answer is not strictly accurate. Now you can
24 let me bring it out with questions after you are
25 done or do you want to ask him questions in follow

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Costino

1 up now?

2 BY MR. DROZDOWSKI:

3 Q. Mr. Costino, when we broke for lunch,
4 where did you go for lunch?

5 A. Franco's.

6 Q. And you went with Mr. Weiner?

7 A. Yes.

8 Q. And did you discuss your testimony
9 with Mr. Weiner at lunch break?

10 A. We talked some, yes.

11 Q. And what did you say, what did he say?

12 A. About this question here?

13 Q. Yes, about your testimony?

14 A. He asked me if there were other times more
15 than the two times and I said to him there were
16 more than two, but I can remember the two because
17 it was the first time I heard about somebody
18 giving up smoking through hypnosis. The second
19 time is because on account of this General
20 Surgeon's report, okay. But I know there were
21 other times that he tried, right.

22 Q. Let me ask you something. When you
23 testified before lunch and I asked you
24 specifically about the number of times he stopped
25 smoking you told us of two times. We went over

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Costino

1 this and that was the best of your recollection,
2 right?

3 A. Um-hum.

4 Q. Then you go out to lunch with Mr.
5 Weiner and all of a sudden you remember other
6 times, is that right?

7 A. I don't remember the times, but I knew there
8 were other times.

9 Q. Did Mr. Weiner ask you or tell you
10 that weren't there other times?

11 MR. WEINER: What are you asking him,
12 did I ask him or tell him?

13 MR. DROZDOWSKI: Either way.

14 A. He asked me if there were more than two
15 times and I said yes.

16 Q. Well, I asked you the same question
17 before lunch?

18 A. He asked me and then I told him and I said
19 there were more times, but I remember the two.

20 Q. How do you know there were more times?

21 A. Because I've tried more than once.

22 Q. I'm asking you --

23 A. And he tried with me, okay.

24 Q. Why didn't you tell us about that
25 before lunch?

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Costino

1 MR. WEINER: You're getting
2 argumentative here. You've already asked him that
3 question. What are you trying to do? Are you
4 trying to badger him into changing his testimony?

5 MR. DROZDOWSKI: I'm just trying to
6 find out what the truth is in this matter.

7 MR. WEINER: He's under oath. He's
8 telling the truth.

9 BY MR. DROZDOWSKI:

10 Q. All I want to find out is when I
11 asked you the question before lunch before having
12 your conference with Mr. Weiner, you testified all
13 you can recall is the two times?

14 A. The two times are outstanding.

15 Q. And I asked you if there are any
16 other times and your answer is no, is that correct?

17 A. I guess so, yes.

18 Q. And you go to lunch with Mr. Weiner
19 and now you come back and tell us now you remember
20 there are more times?

21 A. He asked me if there were more than the two
22 and I said yes.

23 Q. Did he suggest to you that there were
24 more than two times?

25 A. No, he didn't suggest. He just asked me.

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Costino

1 Q. Well, could you tell us the other
2 times, when they were and what you remember about
3 them?

4 A. You mean specific dates?

5 Q. Specifically, yes.

6 A. The only two that I told you specific dates
7 were the two that I told you because I remember
8 them, okay. But there were many times even myself,
9 he and my brothers tried to give them up, you know,
10 and we couldn't.

11 Q. Tell us specifically what you recall
12 about each and every one of those times.

13 A. I can't on the others because it's not
14 outstanding.

15 Q. As you sit here your present
16 recollection is only two events that stand out in
17 your mind?

18 A. Right.

19 Q. Do you have any present recollection
20 of other events, anything you can tell us about
21 them?

22 A. No.

23 Q. Did you meet with Mr. Weiner this
24 morning?

25 A. I met about half hour before we came in here?

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Costino

1 MR. WEINER: I can't testify.

2 A. Yeah.

3 Q. And you know that Mr. Weiner is your
4 sister's attorney, right?

5 A. That's right.

6 Q. He's talked to you before today,
7 hasn't he?

8 A. On the telephone, yes.

9 Q. And this morning did he explain to
10 you what was going to happen today, what a
11 deposition is?

12 A. Yes.

13 Q. And he told you you were going to be
14 asked questions?

15 A. Yes.

16 Q. And he told you what areas he thought
17 that we would be asking questions?

18 A. Yes.

19 Q. And did he tell you that we were
20 going to ask you questions about when Walter Reach
21 tried to stop smoking?

22 A. Yes.

23 Q. And you went over that material with
24 him?

25 A. Yes.

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Costino

1 Q. He asked you the same questions,
2 didn't he?

3 A. Yes.

4 Q. And you knew before I asked you that
5 question that I was going to ask you that question
6 about how many times Walter tried to stop smoking?

7 A. I knew he asked me how many times he stopped
8 smoking?

9 Q. Didn't Mr. Weiner tell you that this
10 would be one of the questions that we would be
11 asking?

12 A. I think so, yes.

13 Q. So you knew ahead of time that that
14 was the type of question that we would be asking
15 you?

16 A. Yes.

17 Q. And you tried to answer it truthfully?

18 A. Yes.

19 Q. And you tried to answer it honestly?

20 A. Yes.

21 Q. And you did so before lunch, isn't
22 that right?

23 A. Yes.

24 Q. Did he tell you we're going to ask
25 you questions in other areas dealing with Walter

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Costino

1 Reach besides how many times he stopped smoking?

2 A. Yes.

3 Q. Did he tell you we were going to ask
4 you questions about what type of cigarettes he
5 smoked?

6 A. Yes.

7 Q. Did he discuss with you what Marie
8 Reach said about her husband's smoking, the brand
9 of cigarettes?

10 A. Say that again.

11 Q. Did he tell you that Marie Reach
12 testified that her husband smoked certain brands
13 of cigarettes in her deposition?

14 A. No, I don't think he did.

15 Q. Did he tell you what Marie said about
16 her husband's smoking habits?

17 A. No.

18 Q. Did he tell you anything else during
19 this half hour?

20 A. He briefed me on you'd probably ask me if he
21 was a heavy drinker, what kind of whiskey he drank,
22 liquor, which was asked by two of you people that
23 came to my house and asked me the same question
24 and I gave them the same answer I'm giving them.
25 I told them what kind of whiskey he drank, his

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Costino

1 drinking habits. The same questions you guys are
2 asking me, these two fellows -- in fact, I forget
3 who they were. And what he told me this morning I
4 already heard from you people.

5 Q. Let me ask you this. Did you read or
6 review anything, any papers, during the half an
7 hour you were with him?

8 A. Papers?

9 Q. Yes.

10 A. No.

11 Q. Did you ever look at any transcripts
12 of depositions? Do you understand what I'm
13 talking about?

14 A. This stuff here?

15 Q. Yes.

16 A. No.

17 Q. When you say stuff here, I don't have
18 a transcript of a deposition, but it's just
19 testimony of somebody.

20 A. No. I never went over any papers with him.
21 He just asked me questions.

22 Q. Now, after lunch you say Walter Reach
23 tried to stop smoking with you. When was that?

24 A. When the Surgeon General's report came out.

25 Q. Well, before lunch you said that he

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Costino

1 stopped for about a week when the Surgeon
2 General's report came out?

3 A. In that time. I can't give you exact dates.
4 You're trying to pinpoint me. You can't pinpoint
5 me. I don't know.

6 Q. Mr. Costino, all I'm trying to do it
7 find out if you recall. If you say you don't know
8 or you can't remember, just tell me that. All I'm
9 trying to find out is what you do know. You've
10 told us that he stopped around the time of the
11 Surgeon General's report for one week. There were
12 other times where he stopped smoking that you
13 haven't told us about?

14 A. I said there were other times, yes. Those
15 are the two --

16 Q. Tell us?

17 A. I can't pinpoint the times. This I can't do.

18 Q. Well, tell us each and every thing
19 you know about each of the other times?

20 A. Several times he tried to give up smoking.
21 The two that I really remember is the two I just
22 told you about.

23 Q. That's one week around the time of
24 the General Surgeon report and the hypnosis?

25 A. Yes. They're outstanding in my mind that I

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Costino

1 know he has tried stopping before, before those
2 two times. Do you see what I'm saying?

3 Q. How do you know that?

4 A. Because we discussed it.

5 Q. Now, the first time that you told us
6 the one that stands out was around the Surgeon
7 General's report, that one week. With relation to
8 that time, did he try to stop before that time or
9 after that time on these other times you are now
10 mentioning?

11 A. Before he went for hypnosis and before the
12 General Surgeon's report he has tried several
13 other times, yes.

14 Q. Were you a smoker at that time?

15 A. Yes.

16 Q. You say you stopped smoking around
17 1964?

18 A. Yes.

19 Q. When would have been the time he
20 stopped before the Surgeon General's report?

21 A. Oh, I'd say a few years ahead of time before
22 it really came out.

23 Q. And --

24 A. The same as I did. I tried to stop before
25 the general reports came out.

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Costino

1 Q. Do you know what he did to stop?

2 A. What he did?

3 Q. Yes.

4 A. He tried to cut down, same as anybody else.

5 Q. What you recall, not the same as
6 anybody else?

7 A. He cut down. He cut down. Like I say, he
8 was smoking three packs a day. So he cut down to
9 maybe two packs and try to cut down.

10 Q. How do you know that?

11 A. He told me.

12 Q. So he told you that he cut down from
13 three packs to two packs?

14 A. He was trying to cut down. I only use that
15 as an example. But he did cut down. He said he
16 would try to cut down and then eventually he went
17 back. Instead of cutting down, it reversed itself.

18 Q. How do you know that?

19 A. He told me.

20 Q. Was this all in one conversation that
21 he said I tried to cut down, but I only went for a
22 short period of time and then I went back?

23 A. All in one conversation?

24 Q. See, I'm trying to find out the basis
25 of the statement that he tried to cut down. I

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Costino

1 want to know what you know about it.

2 A. The only thing I can tell you I know that he
3 has tried to cut down several times and I am only
4 repeating myself. I remember the two specific
5 times, but I know he has tried to cut down the
6 same as I did. He tried and then maybe a couple
7 days later you say hey, Walt, how did you make out?
8 Well, I cut down maybe a couple cigarettes. Then
9 maybe a couple weeks later, you say, are you still
10 on it? And he said no, I went back. I went back
11 to smoking more. I don't know if it's all in one
12 conversation.

13 Q. Did you see him during the period of
14 time when he was cutting down?

15 A. Yes.

16 Q. How did he appear to you? Was there
17 anything different about him?

18 A. No.

19 Q. During that period of time when he
20 stopped for one week around the Surgeon General's
21 report which you have clear recollection of, did
22 you see him during that week?

23 A. Um-hum. When he went cold turkey, yes.
24 Then he started getting nervous.

25 Q. How did you know he was getting

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Costino

1 nervous?

2 A. By his actions.

3 Q. What was there about his actions that
4 made you think he was getting nervous?

5 A. He was fidgeting with his hands. Always
6 putting something in his hands. You know, some
7 people -- I don't know if Walt did or not -- I
8 don't know if he started eating candies or not. I
9 don't know if he did that or not, but I know he
10 was always fidgeting and he went back to smoking
11 again.

12 Q. When was the last time you have a
13 present recollection of him stopping the smoking
14 or cutting down the smoking?

15 A. I would say when the Surgeon General's
16 report came out. Now I don't know if he tried to
17 stop after that or not. I couldn't tell you.

18 Q. You don't know?

19 A. I don't know.

20 Q. Do you know if Dr. Borenstein smoked
21 cigarettes?

22 A. I could only say I think. I really don't
23 know. I don't remember. I think he did, but I'm
24 not sure.

25 Q. I think you have testified that Dr.

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Costino

1 Borenstein asked him to stop smoking on many
2 occasions?

3 A. Yes.

4 Q. Did Walter ever talk to you about the
5 Surgeon General's report on smoking and health?
6 Did he ever discuss it with you?

7 A. I don't remember discussing it with him.
8 The only thing I said is with the General
9 Surgeon's report, I said you ought to stop smoking
10 these things. You know, with cancer and emphysema,
11 I said, it's bad for you. And I used to say to
12 him why don't you try giving them up. That's all
13 I can tell you about that.

14 Q. What I'm getting at, did he ever tell
15 you what he thought about the Surgeon General's
16 report?

17 A. In other words, did he ever say to me it's a
18 lot of bull?

19 Q. Yes.

20 A. No, I don't think he did. No, I don't think
21 he did.

22 Q. Do you remember when they put
23 warnings on packs of cigarettes, and I can tell
24 you it's around 1966, a couple of years after the
25 Surgeon General's reports? Did you and Walter

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Costino

1 ever discuss these warnings on cigarettes?

2 A. Only what I just told you, that cigarette
3 smoking is going to give you all that stuff and
4 now they have them on the pack of cigarettes. I
5 said it's about time they put it on the cigarettes.

6 Q. And what did he say to that?

7 A. I think he more or less agreed with me. I
8 don't know if he believed it or not, but I think
9 he agreed with me.

10 Q. Well, what did he say that made you
11 think he agreed with you?

12 A. Yeah.

13 Q. He said yeah?

14 A. That's all.

15 Q. Do you know how long Walter stopped
16 smoking during the period of time that he was
17 under hypnosis?

18 A. Geez, no, I don't know. I know he had a
19 couple sessions or what it is, I don't know how
20 many sessions he went to. I don't know if he had
21 six or seven, I don't know. I don't know. The
22 only thing I know is he went and that's when he
23 went with the --

24 Q. Do you know the period of time that
25 he had stopped smoking under hypnosis?

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Costino

1 A. No.

2 Q. Now, you say that you know he had six
3 or seven sessions. What is the basis for that
4 statement?

5 A. I think they -- I think Walt or Marie said
6 he has to go so many times. It could have been
7 less. I don't know. I just picked six or seven.
8 It could have been three or four. I don't know.

9 Q. I'm just trying to find out what you
10 know?

11 A. I think Walt or Marie said they have to go
12 to so many sessions.

13 Q. Do you have a recollection of Walt or
14 Marie saying six or seven times?

15 A. No.

16 Q. Do you know how many times Walter did
17 go to whoever it was that was hypnotizing him?

18 A. No. How many times?

19 Q. Yes.

20 A. I think he went about three or four.

21 Q. How do you know that?

22 A. I think I heard him say I only went three
23 and then I stopped, it didn't work. Something
24 like that.

25 Q. You're saying that based on what you

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Costino

1 recall Walter telling you?

2 A. Yeah. I think he started and it just didn't
3 work and I think he stopped. I really don't know
4 how many times he went. I think it was three or
5 four. It could have been six or seven. I don't
6 know.

7 Q. Did Walter ever tell you that he read
8 or saw or heard anything that said smoking was
9 good for you?

10 A. No, he never told me that.

11 Q. Did he ever tell you that he read or
12 saw or heard anything that said that smoking did
13 not affect your health?

14 A. No, he never told me that.

15 Q. Did he ever tell you that he read or
16 saw or heard anything that said smoking would not
17 increase his chances of getting cancer?

18 A. No.

19 Q. Other than the stomach problems that
20 we've discussed before and the fact that he had
21 something done to his head and you described it as
22 a brain tumor, do you know of any other ailments
23 or sicknesses that he had during his lifetime
24 before the last sickness that eventually led to
25 his death?

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Costino

1 A. They're the only two that I really know of.

2 Q. Would you have considered him
3 generally in good health?

4 A. Yes.

5 Q. And during his lifetime, other than
6 the last three or four months, did he appear to
7 you to have no disabilities?

8 A. Yes.

9 Q. Able to do everything he wanted to do?

10 A. Yes.

11 Q. Did he, as far as you know, suffer
12 with sore throats during his lifetime?

13 A. No, not that I know of, not sore throats.

14 Q. How about problems with respiratory
15 or breathing problems during his lifetime?

16 A. Yes, he used to have a tough time breathing.

17 Q. When was the first time you knew that
18 he had a tough time breathing?

19 A. Later years. That's all I can tell you.

20 Q. Was it when he got to be in his
21 seventies?

22 A. Yeah, I would say that, seventies and maybe
23 late sixties.

24 Q. I am talking about his life span, the
25 years when he was --

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Costino

1 A. Yeah, 70 years old, not 1960 and 1970.

2 Q. What did you notice about him?

3 A. He was breathing heavily and he hacked a lot,
4 coughed a lot. Sometimes he would cough and you
5 would think that he was going to throw up his
6 lungs.

7 Q. That heavy breathing, was it sort of
8 like a wheezing that you heard?

9 A. No, I didn't hear any wheeze. Just, you
10 know, deep breathing but I didn't hear any wheeze.

11 Q. When was the first time you recall
12 Walter coughing, it became prominent to you that
13 he was coughing?

14 A. You mean in years, his age?

15 Q. Yes. Was he the guy that was
16 coughing back when you first started seeing him?
17 Did he start coughing later on?

18 A. Later.

19 Q. Do you know when that would have been?

20 A. I'd say in his 60s he started, late 60s.
21 Maybe 65, 66.

22 Q. When he was age 65?

23 A. Yes. That's what we're talking about age,
24 right? You're talking about age, aren't you?

25 Q. Yes. And when he was coughing, was

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Costino

1 it a coughing like shaking?

2 A. Yes. That's why I used to say have another
3 cigarette walt.

4 Q. Why did you say that?

5 A. Trying to say not to have a cigarette. I'm
6 telling you, he would get all red in the face and
7 choke.

8 Q. Was he bringing up anything or was it
9 a dry cough?

10 A. No, I never saw him bring anything up. Just
11 get red in the face and hack.

12 Q. Were there times when there would be
13 coughing spells where he just couldn't stop?

14 A. Continuously, yes, and then all of a sudden
15 it would stop. It wasn't so much you just cleared
16 your throat and that was it.

17 Q. Did this coughing increase over the
18 years?

19 A. Yeah, towards the end -- yes, it did
20 increase.

21 Q. What did he say about his cough?

22 A. You mean when I used to say why don't
23 you have another cigarette?

24 Q. Yes.

25 A. He wouldn't say anything.

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Costino

1 Q. You mentioned that he had heavy
2 breathing. Did he seem also to be short of breath
3 at any time?

4 A. Towards the end, yes.

5 Q. When you say towards the end, about
6 how old was he when you first noticed it?

7 A. Well, he started playing golf every day
8 maybe in his late sixties or early seventies and
9 he used to tell me, I can't do what I used to be
10 able to do. I get short of breath, you know.

11 You'd play 18, he'd play 27. Then it got to a
12 point where he just cut down. He couldn't --

13 Q. He didn't walk the golf course; he'd
14 get a cart or did he?

15 A. Both. When he played golf with me, we
16 walked. But towards the end, it was too much. He
17 couldn't walk.

18 Q. And how old was he when he was doing
19 it all in the cart and cutting down on the number
20 of holes?

21 A. I guess about seventy, late sixties.

22 Q. Did you notice him having trouble
23 swallowing?

24 A. Only when he was real sick. Other than that,
25 no.

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Costino

1 Q. When was that?

2 A. When he was on his last leg.

3 Q. In 1982?

4 A. Yes. But prior to that I don't think he had
5 any trouble swallowing.

6 Q. Did he ever complain or did you ever
7 notice any nervous disorders like dizziness? Did
8 he ever complain of headaches during his lifetime?

9 A. Not dizziness, no.

10 Q. How about headaches? Did he complain
11 about headaches?

12 A. No, not headaches. The only thing he
13 complained about is he started to forget things.
14 His memory wasn't as sharp.

15 Q. How old was he when you first noticed
16 it, when he first told you about it or when you
17 noticed it?

18 A. When he started getting real sick.

19 Q. Around 1982?

20 A. Yes, around towards the end.

21 Q. Was that before or after he went to
22 Temple Hospital in August of '82?

23 A. That was after he went to the hospital, yeah.

24 Q. Did you ever notice him having a
25 nervous twitch?

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Costino

1 A. Not a twitch, no. Not a nervous twitch.

2 Q. You never saw him with a twitch at
3 any time?

4 A. No. You mean with a shoulder or arm or
5 something like that?

6 Q. Yes, or in the face?

7 A. No, I don't think so.

8 Q. Other than the treatment for his
9 ulcer and for his brain and treatment he got in
10 August of 1982 in the hospital, do you know of any
11 other treatment he got from any doctors or
12 hospitals for any other ailments?

13 A. Not an ailment. I think he was in the
14 hospital one time with an accident. I think he
15 was in Bermuda and he had an accident.

16 Q. He fell off a moped?

17 A. Yes.

18 Q. Other than that, do you remember
19 anything else that he was hospitalized or had
20 medical treatment for?

21 A. No.

22 Q. You know Dr. John Costino, do you not?

23 A. Yeah.

24 Q. And he's your nephew?

25 A. Yes.

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Costino

1 Q. Do you know whether Walter was a
2 patient of Dr. Costino's at any time?

3 A. A patient?

4 Q. Yes.

5 A. The only time Jerry looked at Walt was on
6 his last, you know, days.

7 Q. What do you know about that?

8 A. He was just talking to Marie about the case,
9 you know. I don't know if he treated him with
10 anything or not.

11 Q. Who told you about this?

12 A. Marie would tell me that she was talking to
13 Jerry and when Jerry would stop up to see my
14 brother and he would stop in to see Marie and he
15 would talk to Walt and look at him.

16 Q. Do you know specifically what Jerry
17 Costino was doing for Walter?

18 A. You mean giving him medicine or anything?

19 Q. Yes.

20 A. No, I don't know anything about that.

21 Q. Do you know how often he saw him?

22 A. Occasionally, I could only say. I mean he
23 didn't come every week to see Walt.

24 Q. Would this be in the last month or
25 two?

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Costino

1 A. Yeah, last stages.

2 Q. Did you see Walter when he was in the
3 hospital in August of 1982? I think the record
4 shows he was at Temple University Hospital.

5 A. No, I didn't go there. I saw him when he
6 came home.

7 Q. Did you see him during that year,
8 1982, before he went into the hospital?

9 A. I think I stopped over the house to see my
10 sister and he was there. I don't think I
11 specifically went to see him.

12 Q. Well, during that year of '82 before
13 he went into Temple Hospital, from January to
14 August, how often did you see Walt during that
15 year?

16 A. I don't know. When I saw Walter, maybe I
17 dropped in to see Walt and Marie, but I can't tell
18 you five, six, seven times.

19 Q. You don't know?

20 A. I don't know.

21 Q. What can you tell us about his
22 physical condition during that year prior to his
23 going into the hospital in August of '82? What
24 did you notice about him?

25 A. He was getting worse. He had more of a

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Costino

1 tough time breathing. He was getting awful tired.
2 He couldn't stay up. He'd be sitting there
3 watching TV and the next thing you know he's sound
4 asleep. And just sat there and coughed and smoked
5 his cigarette.

6 Q. He was smoking still three packs a
7 day during that time?

8 A. I don't know how many, but he was still
9 smoking. I think he was smoking 'til he went in
10 bed and couldn't get out of bed. Because it came
11 to a point that when we went over to see him, he
12 was just sitting on the couch watching TV -- he
13 couldn't do anything -- and if he wanted something
14 to drink, you would get it for him.

15 Q. This is before he went in the
16 hospital in August?

17 A. This is after.

18 Q. I'm specifically interested in the
19 period before?

20 A. No.

21 Q. He was able to walk around before he
22 went to the hospital?

23 A. Yeah. I think when he was in the hospital,
24 I think he got up and walked around and when he
25 came home, I think he walked around, but then he

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Costino

1 got to a point where he couldn't walk around.

2 Q. Did you see him from the period of
3 time when he came out of the hospital in August of
4 1982 until the time he died? Did you see him
5 during that period of time?

6 A. Yes.

7 Q. Can you tell approximately how many
8 times you saw him during that period of time?

9 A. Before he died?

10 Q. Yes.

11 A. Maybe a dozen times. I used to stop in when
12 he was in bed and ask my sister if there was
13 anything I could do for him and I'd say about
14 maybe a dozen times.

15 Q. Now when he came out of the hospital,
16 was there a period of time where he was still
17 walking around the house, able to walk around?

18 A. I think so, yeah.

19 Q. How long was that period of time?

20 A. Maybe a couple months.

21 Q. Then there came a time where he was
22 confined to bed?

23 A. Yes.

24 Q. And that would have been the last
25 month?

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Costino

1 A. Yeah, that's right. I guess.

2 Q. From the time he came back from
3 Temple Hospital in August of '82 until the time he
4 died, did you see Walter smoking any cigarettes?

5 A. The time he came out of the hospital?

6 Q. In August of '82?

7 A. 'Til the time he died?

8 Q. I think he died in November of 1982,
9 is that correct?

10 A. Yeah, I think he did. Did I see him smoking
11 any cigarettes during that time? I can't say so.
12 I can't say yes and I can't say no. You're
13 talking about the last month that he died?

14 Q. We're talking about from August,
15 September, October, November?

16 A. I don't know. He may have had cigarettes
17 but I can't -- I know he stopped smoking when he
18 was bedridden but I don't know when he was
19 bedridden, you know what I mean.

20 Q. Is it your testimony that you don't
21 know one way or the other whether he smoked during
22 that period?

23 A. Yes.

24 Q. And during that period of time were
25 you able to talk to him during that three or four

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Costino

1 month period of time?

2 A. Yes.

3 Q. Were you always able to talk to him
4 or did there come a time when he couldn't
5 communicate?

6 A. No, there was a time when he didn't even
7 know you.

8 Q. Was that the last week or so?

9 A. Yes.

10 Q. Now during the time that he was able
11 to communicate with you, did he tell you what he
12 was suffering from?

13 A. No.

14 Q. Did anybody tell you he had cancer?

15 A. Did anybody tell me he had cancer? Before
16 he died, you mean?

17 Q. Yes.

18 A. I think Marie told me he had cancer.

19 Q. When did she tell you that, how soon
20 before he died?

21 A. I can't tell you. I don't know if it was a
22 month or two months. I don't know.

23 Q. Did Walter ever tell you that he knew
24 he had cancer?

25 A. No, he never told me that.

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Costino

1 Q. Did Walter ever tell you that he was
2 thinking about suing cigarette companies?

3 A. He never told me that.

4 Q. Did Marie ever tell you they were
5 thinking of suing a cigarette company for cancer
6 that he had from smoking?

7 A. No.

8 Q. Did Susan talk to you during that
9 period of time from August through November?

10 A. I never knew that they were suing a
11 cigarette company until I read it in the paper.

12 Q. And when was that?

13 A. After he died, it was a little article in
14 the paper saying that Marie was suing, but that's
15 when I found out. I don't know how the article
16 read, but that's how I found out that they were
17 suing the cigarette company.

18 Q. Prior to that?

19 A. Prior to that, I didn't know. I found out
20 in the newspaper.

21 Q. Did you see Susan at home at the
22 Reach residence during that period of time from
23 August of '82 through November of '82? Was she at
24 home?

25 A. No.

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Costino

1 Q. How about Gary? Was he at home?

2 A. Gary was home, yes. Gary was in and out, but
3 he was home.

4 Q. Have you talked to Marie or the
5 children about this lawsuit since his death?

6 A. Yes.

7 Q. What did they say? What did you say?

8 A. I just said what are you doing?

9 Q. And what did they say?

10 A. When I first found out about it, I called
11 Marie up and I said what is this I read in the
12 paper that you're suing the cigarette company?
13 She said yeah. And I said what for? She said we
14 want them to put more information on cigarette
15 packs other than what is on there now. I said
16 okay. I said I hope you win. That's all I said.

17 Q. At any time before Walter died, did
18 he ever discuss how he wanted his body disposed of?

19 A. Yes.

20 Q. What did he say?

21 A. He wanted to be cremated, no viewing, the
22 body taken to the crematory, cremated, no viewing,
23 just his wife and his family. That's all.

24 Q. When was the first time you ever
25 heard that out of Walter's lips?

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Costino

1 A. I heard it years ago. I heard it long
2 before he died. You know how people talk, hey,
3 when I die I want a big funeral. He said not me.
4 I just want to be cremated and that's it.

5 Q. Did Walter have any belief or any
6 feeling against autopsies?

7 A. Not that I know of. I'd say no, I don't
8 know.

9 Q. Did Marie ever tell you she had any
10 belief or feeling against autopsies?

11 A. Not that I know of, no.

12 Q. Do you know whether Walter had an
13 autopsy performed or there was an autopsy
14 performed on his body?

15 A. After he died?

16 Q. Yes.

17 A. No, I don't know.

18 Q. Did you participate in any way on the
19 arrangements for --

20 A. The funeral?

21 Q. Yes.

22 A. No, nothing at all.

23 Q. Were you there on the day he died at
24 his home?

25 A. The day he died?

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Costino

1 Q. Yes.

2 A. No.

3 Q. How soon after his death did you
4 visit the house?

5 A. Right after he died.

6 Q. The same day or --

7 A. When I found out he died, I think I went
8 there that night or that afternoon. I think he
9 died early in the morning and when I found out
10 about it, I went to her house.

11 Q. Who was home at that time?

12 A. Susan -- I think Susan, Gary and Marie.

13 Q. Do you remember anybody else?

14 A. I think some of her brothers were there.

15 Q. Do you remember who?

16 A. I think John was there. I'm not sure. I
17 think John was there.

18 Q. Anybody else that you can recall?

19 A. Not that I remember.

20 Q. Do you know whether there was any
21 problem or difficulty about getting a death
22 certificate signed?

23 A. No, I don't know.

24 Q. Do you know who signed the death
25 certificate?

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Costino

1 A. No.

2 Q. Did you know a Mr. Jim Sarly?

3 A. Um-hum. Yes.

4 Q. Who was Mr. Sarly?

5 A. Beg your pardon?

6 Q. Who was Mr. Sarly?

7 A. Mr. Sarly? He owned the restaurant called
8 the Cottage Canary.

9 Q. Canary Cottage?

10 A. Yeah, you've got it, on Park Boulevard.

11 Q. And Haddon Avenue?

12 A. Yes. He and his wife owned it. At least
13 his wife worked in there. I don't know if Jim
14 owned it or not.

15 Q. Would you eat breakfast or lunch or
16 dinner there?

17 A. No.

18 Q. Were you ever there with Walter?

19 A. At the Canary Cottage?

20 Q. Yes.

21 A. I don't think so.

22 Q. How did you meet Mr. Sarly?

23 A. They were friends.

24 Q. He was a friend of Walt?

25 A. Yes.

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Costino

1 Q. Do you know whether Mr. Sarly was a
2 smoker?

3 A. I don't know if he smoked or not. I don't
4 remember.

5 Q. Do you know whether he died of lung
6 cancer?

7 A. Yes. They told me he died with lung cancer,
8 yes.

9 Q. And do you know when he died?

10 A. The year?

11 Q. Yes.

12 A. No.

13 Q. Was he dead for five or ten years
14 before Walter died?

15 A. Oh, yeah, yeah. He died long before Walt.

16 Q. Did Walt ever discuss his death with
17 you?

18 A. No. The only thing Walt ever told me about
19 his death was he said Jim Sarly has lung cancer
20 and the doctor said he has six months to live and
21 Jim said to Walt, he said, I'll feed that damn
22 thing before it eats me. And I think he lived a
23 couple years after that and he just fed the cancer.

24 Q. What do you mean by feed --

25 A. He kept eating a lot. He said I'll feed

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Costino

1 that before it will eat me. They said he had six
2 months to live, but he lived a couple years after.

3 Q. You don't have any recollection of
4 whether Sarly was a smoker?

5 A. I can't say yes. I could say I think he was,
6 but I can't say yes or no.

7 Q. Earlier today you said that there was
8 in the place where Walter operated on Haddon
9 Avenue and the other place, Jefferson and
10 Pennsauken, on the floor where the workers were
11 working was no smoking permitted, is that correct?
12 Is that your recollection?

13 A. I don't know if they could -- if they were
14 allowed to smoke in the plant or not, I don't know.

15 Q. Well, what I'm trying to find out is,
16 do you have a recollection of Walter strictly
17 smoking in his office or smoking
18 everywhere in the plant?

19 A. I think I just used to see him smoking in
20 the office, never in the plant.

21 Q. Did he ever complain to you if he
22 wasn't smoking out in the plant whether it
23 affected him in any way?

24 A. No, he never said anything.

25 Q. Do you know of any accidents that

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Costino

1 walter had before he died, any time of his
2 lifetime?

3 A. Accidents?

4 Q. Yes.

5 A. You mean like falling down the steps or
6 something?

7 Q. Anything that would give him any
8 special injuries?

9 MR. WEINER: Hasn't this been asked
10 and answered already?

11 MR. DROZDOWSKI: I don't know.

12 MR. WEINER: I think it has been.

13 A. Automobile accidents?

14 Q. Anything?

15 A. Only this one on the moped.

16 Q. Anything else that you remember?

17 A. I think he hit a cow one time. A cow went
18 out in front of his car and he couldn't stop and
19 he hit it. There was no damage to him, but there
20 was to his car.

21 MR. DROZDOWSKI: Can we have a five
22 minute break.

23 (Recess taken at 2:10 p.m.)

24 (Resumed at 2:15 p.m.)

25 BY MR. DROZDOWSKI:

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Costino

1 Q. You made a statement earlier and you
2 said we all told Walter to stop smoking and you
3 said that was you and you mentioned your brothers
4 and used that phrase we all. Could you list who
5 fits into that we all?

6 A. We all. Myself, my brother Vin, my brother
7 Joe. I don't know about my brother John. I think
8 it was the three of us that really came down hard
9 on him about smoking.

10 Q. Anybody else that you can recall that
11 also told him to stop smoking?

12 A. His kids.

13 Q. You mentioned Borenstein?

14 A. His kids.

15 Q. Anybody else? How about his wife?
16 Do you know if she did?

17 A. I can't say yes or no.

18 Q. I think you were saying his doctor?

19 A. Yeah, Jules told him he should stop smoking.

20 Q. And his kids. Anybody else?

21 A. I think my mother told him to stop smoking.

22 Q. How about any children of your
23 brothers' who were old enough?

24 A. That, I don't know.

25 Q. Anybody else?

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Costino

1 A. No, not that I can remember. Not that I
2 know of, no. We're talking about family, right?

3 Q. Family or friends, anybody else that
4 you can remember?

5 A. I don't know if his friends told him or not.

6 Q. Do you have anybody that you can
7 think of -- I don't care outside the family,
8 whoever it was, you can recall you have a
9 recollection of them telling him to stop smoking?

10 A. I'd only be speculating if I gave you other
11 names. No.

12 Q. When I asked you about his religion,
13 I forgot what your answer was. Was Walter a
14 religious man?

15 A. Was he a religious man?

16 Q. Yes.

17 A. You mean did he go to church? No.

18 Q. Didn't actively go to church?

19 A. No.

20 Q. Do you know if he filled out a form
21 and it said state religion what he would put down
22 for that?

23 A. No, I don't know.

24 Q. But the kids were raised Catholic?

25 A. Yes.

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Costino

1 Q. And Marie was an active Catholic?

2 A. Yes.

3 Q. Did he have any religious views
4 against autopsy?

5 A. No.

6 Q. Did he ever express them to you?

7 A. No, not to me.

8 Q. Did you and Walter from time to time
9 go out and spend some time at bars during his
10 lifetime?

11 A. Just he and I?

12 Q. Or with other people?

13 A. I've been out with him in bars at different
14 times.

15 Q. Can you tell us the bars?

16 A. The bars that we went to?

17 Q. Yes. We've got a couple hours here.

18 A. Well, we went to the Marlton Manner, First
19 and Last Chance.

20 Q. Did you go to Donkey's with him?

21 A. No, not with him. I don't think so, no.

22 Any time I went to a bar with him would be on
23 occasions like if we went to dinner or something
24 like that.

25 Q. I'm trying to figure out some place.

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Costino

1 Kenny's in Camden?

2 A. I've never been at Kenny's with Walt. I may
3 have been at a wedding or something like that
4 there with him. You don't want that, do you?

5 Q. Anything you can remember. Marlton
6 Manner, First and Last Chance -- anything else you
7 can remember?

8 A. No. They're the only two outstanding ones.

9 Q. He would drink at the clubs with you
10 where you were playing golf, right?

11 A. Yes. Do you want them?

12 Q. Yes.

13 A. Indian Springs, Spring Hill, which is no
14 longer -- you know, these clubs -- Spring Hill is
15 no longer a golf course. Indian Spring and Spring
16 Hill. I think they're the only two golf courses.

17 Q. Did Walter pick up his alcohol at
18 certain liquor stores? Did he frequent certain
19 liquor stores?

20 A. Well, he lived -- I think when he lived in
21 River Road, I think he went to the local liquor
22 store. When he moved to Audubon, I guess he went
23 to the local liquor store in Audubon.

24 Q. Do you know what the store in Audubon
25 was that he bought his liquor at?

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Costino

1 A. I tnik he used to get it at Sherre's. Do
2 you know where Sherre's is?

3 Q. No.

4 A. Hopkins Road.

5 Q. How do you spell it?

6 A. S-h-e-r-r-e. That's near -- no, it wouldn't
7 be Sherre's. I don't know the liquor store. I
8 know it's local because he used to call up and
9 they'd deliver if you wanted a case of beer.

10 Q. Was he a beer drinker, too?

11 A. No.

12 Q. That was for somebody else?

13 A. Yeah. He'd drink a beer once in a while,
14 but it wasn't his favorite.

15 Q. How old was Marie Reach when she
16 started smoking cigarettes?

17 A. I don't know.

18 Q. Well, was she still at home when she
19 started smoking cigarettes? When I say home, I
20 mean 1421 Kenwood Avenue.

21 A. Yes.

22 Q. So what would that put her in --

23 A. Well, she was home during the war, 1941,
24 '42. She was living home when she was working for
25 Walt, about '43, something like that. **689416015**

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Costino

1 Q. Did your mother tell her to stop
2 smoking?

3 A. She didn't tell her to stop. She didn't
4 like it.

5 Q. Did Marie continue smoking through
6 her lifetime?

7 A. As far as I know, yes.

8 Q. Do you know what cigarettes she
9 smokes?

10 A. You mean today?

11 Q. Or at any time?

12 A. No.

13 Q. Could you tell us how much she smokes?
14 You've told us that Walter was basically a three
15 pack a day.

16 A. You want to know how many cigarettes Marie
17 smokes a day?

18 Q. Yes.

19 A. I don't think she smokes a pack.

20 Q. Has that been consistent through her
21 lifetime?

22 A. Yes. She was a conservative smoker, I'd say.

23 Q. Has she tried to stop smoking at any
24 time like everybody else?

25 A. Yeah, trying to give them up.

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Costino

1 Q. Do you have any recollection of when
2 and what she did?

3 A. Same routine, try to cut down, you know. I
4 don't know how many times she tried, but she has
5 tried giving them up.

6 Q. Did you tell her as well as telling
7 Walter that she ought to stop smoking?

8 A. Yes, when we stopped and I said why don't
9 you give them up, too, Marie.

10 Q. And the same people, your brothers
11 and the Reach children, also talked to her about
12 giving it up?

13 A. Yeah.

14 Q. What did she say when you told her
15 that? When you said give it up, what did she say?

16 A. She more or less didn't say anything. She
17 didn't say what Walt said, I can't. She just more
18 or less didn't say anything.

19 Q. Do you know whether she ever tried
20 stopping cold turkey?

21 A. Cold turkey?

22 Q. Yes.

23 A. No. I don't know if she ever tried that.

24 Q. You don't have any real recollection
25 of anything about her trying to stop, do you?

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Costino

1 A. No, not really.

2 MR. DROZDOWSKI: I have no further
3 questions. Anybody else feel free.

4 MR. WEINER: I just have one question.

5 EXAMINATION

6 BY MR. WEINER:

7 Q. Following Walter Reach's operation on
8 his head around 1975, did his mind seem in any way
9 changed?

10 A. Do you mean after the operation?

11 Q. Yes.

12 A. No. His mind started to change when he
13 started to get real, real sick and when I say his
14 mind changed, he just couldn't remember things.
15 He used to say boy, I'm getting awful forgetful,
16 but this was in the later -- in fact, we were
17 amazed after the operation that he was, you know,
18 he did so well because there was a man up in years
19 and had his skull cut open and we were amazed that
20 he survived so well and then he was normal. He
21 was playing golf. Everything was fine until the
22 later years and then he used to say, boy, I'm
23 getting awful forgetful. But other than that, no.

24 Q. When you say later years, which years.
25 specifically?

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Costino

1 A. I'd say maybe about a year before he died,
2 something like that. Even his kids noticed it.
3 Boy, Dad, you don't remember anything. He says no,
4 I keep forgetting. I can't remember. He always
5 emphasized that. I can't remember. I can't
6 remember. I'm getting so forgetful. But that
7 wasn't right after the operation, no.

8 MR. WEINER: I'm through.

9 BY MR. DROZDOWSKI:

10 Q. Let's get this straight now in my
11 mind. You said he had an operation on his head
12 and ran your finger across the forehead. Did
13 somebody slice him up?

14 A. I think they opened up his skull and
15 operated on his brain.

16 Q. And do you know when that was?

17 A. The year?

18 Q. Yes.

19 A. No, I don't know.

20 Q. I think the records show that he was
21 admitted to Einstein Medical Center for an
22 operation for a subdural hematoma which is blood
23 in the head. That would have been in February,
24 '75. Is that what you are talking about?

25 A. Yes, it was in the '70s, yeah. **689416019**

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Costino

1 Q. Now, are you saying that after that
2 operation he recovered without any problems with
3 his mind, with his senses?

4 A. Yes.

5 Q. He was competent, coherent?

6 A. Yes.

7 Q. He understood and could respond and
8 had no problems remembering, is that correct?

9 A. Yes.

10 Q. And I thought you testified earlier
11 that when you would see him in 1982 in that year
12 before he went to Temple Hospital that he was able
13 to talk slowed down, but he was competent and he
14 was having no problems with his mind at that time.
15 Isn't that what you testified to?

16 A. Yes.

17 Q. And I thought it was that just in the
18 last month before he died that he became sort of
19 incoherent and he couldn't remember. I thought
20 that's what you testified to earlier?

21 A. The month before he died?

22 Q. Yes, the last month or so?

23 A. No. He was telling me, he says, I'm getting
24 forgetful and then towards the end he was
25 forgetful. This is what I'm saying.

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Costino

1 Q. well --

2 A. It got to a point in the later years he
3 didn't know anything.

4 Q. That was in the last month or so
5 before his death?

6 A. Yes.

7 Q. In 1981 and 1982 before that last
8 month before he died, do you have any recollection
9 of things that he couldn't remember, specific
10 instances where it came to your mind that hey, he
11 just can't remember things?

12 A. No, not in '81, '82. No, I don't remember
13 not remembering that late, no.

14 MR. DROZDOWSKI: Thank you. Oh, one
15 more question.

16 BY MR. DROZDOWSKI:

17 Q. Did Marie Reach ever tell you that
18 after her husband died she went to see a
19 psychiatrist, a Dr. Jaffe?

20 A. Marie went to see a psychiatrist?

21 Q. Yes.

22 A. No, she never told me. Doctor who, Jaffe?

23 Q. Yes.

24 A. No, I don't know.

25 MR. DROZDOWSKI: That's all.

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Costino

(Deposition adjourned at 2:30 p.m.)

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C E R T I F I C A T E

I, Denise Cornelius, Certified
Shorthand Reporter and Notary Public of the State
of New Jersey, do hereby certify that prior to the
commencement of the examination, the witness
and/or witnesses were sworn by me to testify to
the truth, the whole truth and nothing but the
truth.

I do further certify that the
foregoing is a true and accurate computer-aided
transcript of the testimony as taken
stenographically by and before me at the time,
place and on the date hereinbefore set forth.

I do further certify that I am
neither of counsel nor attorney for any party in
this action that I am not interested in the event
nor outcome of this litigation.

Denise Cornelius

CSR #XI01279

Notary Public

My Commission expires

April 28, 1988

DATE 9-3-88

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